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F. N. J., F. D. C. 10701–10900 Issued March 1948

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

10701–10900

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

OSCAR R. EWING, *Administrator, Federal Security Agency.*

WASHINGTON, *D. C., October 10, 1947.*

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BEVERAGES AND BEVERAGE MATERIALS

10701. Adulteration of Fruto (beverage base). U. S. v. 376 Cases * * *. (F. D. C. No. 18092. Sample Nos. 24729–H to 24732–H, incl.)

LIBEL FILED: November 5, 1945, Western District of Louisiana.

ALLEGED SHIPMENT: On or about April 11, 1945, by the Du Rae Co., from Fort Worth, Tex.

PRODUCT: 376 cases, each containing 24 8-ounce bottles, of Fruto beverage base in various flavors at Shreveport, La.

LABEL, IN PART: "Fruto That Delightful Home Drink Imitation Orange [or "Strawberry," "Grape," "Cherry," or "Punch"]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), the article had been mixed and packed with saccharin so as to reduce its quality or strength and make it appear better or of greater value than it was.

DISPOSITION: February 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10702. Misbranding of beverage preparations. U. S. v. 51 Cases * * *. (F. D. C. No. 18413. Sample Nos. 7754–H to 7756–H, incl.)

LIBEL FILED: On or about November 23, 1945, District of Connecticut.

ALLEGED SHIPMENT: On or about August 30, 1943, by the Mark Vandewart Co., Inc., from New York, N. Y.

PRODUCT: 17 cases of orange mixer, 24 cases of lemon mixer, and 10 cases of lemon and lime mixer at New Haven, Conn. Examination showed that the products were artificially colored mixtures of water, phosphoric acid, and citrus oils, and they contained little or no sugar or citrus juice. Examination showed also that the products were short-volume.

LABEL, IN PART: "Orange [or "Lemon," or "Lemon & Lime"] Mixer * * * Sufficient for 8 pints of Perfect Orange [or "Lemon," or "Lemon & Lime"] Drink * * * Use as Fresh Orange [or "Lemon," or "Lemon & Lime"] Juice." The "Orange" flavor label bore the design of 2 oranges and leaves, and the "Lemon" and "Lemon & Lime" flavor labels bore the design of a lemon, a lime, and leaves.

NATURE OF CHARGE: Misbranding, Section 403 (a), the statements and designs in the labeling were false and misleading as applied to products containing little or no sugar or citrus juices; Section 403 (e) (2), the products failed to bear labels containing an accurate statement of the quantity of the contents; and, Section 403 (i) (2), they were fabricated from 2 or more ingredients, and their labels failed to bear the common or usual name of each ingredient, since phosphoric acid was present but was not declared on the labels.

DISPOSITION: February 6, 1946. The sole intervener having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered destroyed.

10703. Adulteration of imitation grape sirup. U. S. v. 3 Barrels * * *. (F. D. C. No. 18190. Sample No. 858–H.)

LIBEL FILED: October 22, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about July 14, 1945, by the X–L Sales Co., from Memphis, Tenn.

PRODUCT: 3 55-gallon barrels of imitation grape sirup at Atlanta, Ga. Examination showed that the product was undergoing fermentation.

LABEL, IN PART: "X–L Quality Beverages F–X Brand Imitation Grape Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: December 14, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10704. Misbranding of lime juice. U. S. v. 1,811 Cases * * *. (F. D. C. No. 18998. Sample No. 8160–H.)

LIBEL FILED: January 22, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about November 7, 1945, by the Seminole Fruit & Preserving Co., Inc., from Little River, Fla.

PRODUCT: 1,811 cases, each containing 24 bottles, of lime juice at New York, N. Y. A recipe sheet was wrapped around each bottle.

LABEL, IN PART: (Bottle label) "Cobbs Lime Juice Natural Full Strength Unsweetened Use the same as fresh fruit juice, as this is Undiluted Lime Juice No artificial Coloring or Flavor is used. Contains 1/10 of 1% Sodium Benzoate as a preservative * * * Net Contents 6 Fl. Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (a), the statement on the bottle label "It has more important Citric Acid than any other Fruit Juice" was misleading since the statement suggested that the citric acid content of the article was of some nutritional or therapeutic significance, whereas the citric acid content of the article was not of nutritional or therapeutic significance.

Further misbranding, Section 403 (a), the following statements on the wrapper were false and misleading since the article was not pure lime juice but contained added benzoate of soda; it would not be effective to produce good health and to prevent or correct the conditions stated and implied; and it would not be effective for reducing: "Pure Lime Juice—For Good Health! * * * Health Hint * * * an aid to sharpen jaded appetites. * * * Men and women inclined towards obesity have found a natural healthful medium for reducing * * * recognized as a natural remedy for many ills of the body. Very few people truly understand its therapeutic value to good health. * * * beneficial to good health. * * * Dermatologists have found that pure Lime Juice may be used in the treatment of various skin diseases caused by impure blood * * * Pure Lime Juice in treating Arthritis, Rickets, Rheumatism and Scurvy * * * Pure Lime Juice will activate sluggishness and help in the elimination of uric acid from the human body * * * Lime Juice in water on rising and retiring will help in reducing overweight. Countless women and men have discovered this gentle, natural aid to obesity."

Further misbranding, Section 403 (f), the name and place of business of the manufacturer, packer, or distributor, the statement of the quantity of the contents, and the declaration of the chemical preservative, benzoate of soda, required by law to appear on the label of the article, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use, since they appeared in small type on intermediate panels of the bottle label; and, Section 403 (k), the article contained a chemical preservative, benzoate of soda, and it failed to bear labeling stating that fact, since the presence of the chemical preservative was not declared on the wrapper label.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1875.

DISPOSITION: April 3, 1946. The Seminole Fruit & Preserving Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

10705. Adulteration of canned orange juice. U. S. v. 2,740 Cases * * *. (F. D. C. No. 19002. Sample Nos. 9161–H, 9162–H.)

LIBEL FILED: January 24, 1946, Eastern District of New York.

ALLEGED SHIPMENT: On or about December 5, 1945, by American Institute of Trade, from Savannah, Ga.

PRODUCT: 2,740 cases, each containing 6 3-quart cans, of orange juice at Brooklyn, N. Y.

LABEL, IN PART: "Glen-Rae [or "Old South Brand"] * * * Packed by Pasco Packing Association Dade City, Florida."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: April 11, 1946. The claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

10706. Adulteration and misbranding of orange drink. U. S. v. 394 Cases * * *. (F. D. C. No. 18382. Sample No. 24726–H.)

LIBEL FILED: November 15, 1945, Western District of Louisiana.

ALLEGED SHIPMENT: On or about August 9, 1945, by Sun-y-Juce Citrus Products of Texas, Inc., from Dallas, Tex.

PRODUCT: 394 cases, each containing 6 ½-gallon bottles, of orange drink at Shreveport, La. Analysis showed that the product was an artificially colored mixture of water and sugar, acidulated with phosphoric acid, flavored with orange peel oil, containing approximately 12 percent orange juice, and preserved with benzoate of soda. It contained added thiamine and little or no vitamin C. The article had the appearance, odor, and taste of an orange juice or of a beverage containing a large quantity of orange juice.

LABEL, IN PART: "Orange Sun.y.Juce—California Orange Drink * * * A Fruit Juice Product."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), yellow coal-tar dye had been mixed with the article so as to make it look like a product composed entirely or in large part of fresh orange juice, which is better and of greater value that the article was.

Misbranding, Section 403 (a), the designs on the bottle labels of a whole orange, a half orange, a drop of juice, and two leaves, and the label statements, "Healthful for adults and children. Orange Sun.y.Juce—California Orange Drink * * * to Retain Freshness. A Fruit Juice Product * * * Sun-y-Juce Citrus Products of Texas, Inc.," were false and misleading. The designs and label statements represented and suggested that the article was orange juice, or an article containing large quantities of orange juice which would provide the nutritional value of orange juice, whereas it contained only a small amount of orange juice and little or no vitamin C, which is one of the important nutritional factors of orange juice. Further misbranding, Section 403 (i) (2), the label of the article failed to bear the common or usual name of each ingredient, since the presence of added phosphoric acid was not declared.

DISPOSITION: February 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

10707. Adulteration of fruit cake. U. S. v. Julius Spilke and Max Spilke (Spilke's Bakery). Pleas of guilty. Julius Spilke sentenced to 30 days' imprisonment; Max Spilke placed on 1 year's probation. (F. D. C. No. 17781. Sample Nos. 78286–F, 79779–F, 79877–F.)

INFORMATION FILED: March 21, 1946, Eastern District of New York, against Julius Spilke and Max Spilke, partners in the partnership, Spilke's Bakery, Brooklyn, N. Y.

ALLEGED SHIPMENT: On or about November 9 and 10, 1944, from the State of New York into the States of Pennsylvania, West Virginia, and Virginia.

LABEL, IN PART: "Golden Harvest Fruit Cake Baked By Spilke's Bakery, Brooklyn, N. Y. [or "Distributed by Spaulding Bakeries Main Office: Binghamton, N. Y.," or "Baked for Affiliated Bakers Co."]."

NATURE OF CHARGE: Adulteration, Section 402 (a), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, scale insects, insect larvae, head capsules, rodent hair fragments, and hairs resembling rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 17, 1946. Pleas of guilty having been entered, each defendant was sentenced to serve 60 days in jail. Max Spilke's sentence was to commence at once, and Julius Spilke's sentence was to commence on the termination of the sentence of Max Spilke. On May 17, 1946, Max Spilke's sentence was modified to the extent of his imprisonment to date, and he was ordered released. Julius Spilke was placed on 1 year's probation.

10708. Adulteration of fruit cake. U. S. v. 48 Cases * * *. (F. D. C. No. 19116. Sample No. 59604–H.)

LIBEL FILED: February 14, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about October 4, 1945, by Universal Sales Service Associates, from New York, N. Y.

PRODUCT: 48 cases each containing 12 2-pound fruit cakes at Youngstown, Ohio.

LABEL, IN PART: "Waldorf Rum and Brandy Fruit Cake."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: March 19, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10709. Adulteration of fruit cake. U. S. v. 35 Cases * * *. (F. D. C. No. 19115. Sample No. 59602–H.)

LIBEL FILED: February 8, 1946, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 19, 1945, by Universal Sales Service Associates, from New York, N. Y.

PRODUCT: 35 cases each containing 12 2-pound fruit cakes at Butler, Pa.

LABEL, IN PART: "Waldorf Rum and Brandy Fruit Cake."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: March 6, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10710. Adulteration of fruit cake. U. S. v. 28 * * *. (F. D. C. No. 18399. Sample No. 4903–H.)

LIBEL FILED: On or about November 16, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about August 6, 1945, by Stirling Bakers, from Mount Vernon, N. Y.

PRODUCT: 28 3-pound fruit cakes at Trenton, N. J.

LABEL, IN PART: "Alice Dodd Brandy and Wine Fruit Cake."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: December 18, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10711. Misbranding of fruit cake. U. S. v. 224 * * *. (F. D. C. No. 18386. Sample Nos. 11084–H, 11085–H.)

LIBEL FILED: November 13, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about October 8, 1945, by the Friend Cake Baking Co., from Brooklyn, N. Y.

PRODUCT: 128 1-pound and 96 2-pound fruit cakes at Worcester, Mass. Examination showed the product to consist of fruit-type cake, with no noticeable odor or taste of rum or brandy. It contained a chemical preservative, sodium propionate.

LABEL, IN PART: "Pickwick Rum and Brandy Fruit Cake."

NATURE OF CHARGE: Misbranding, Section 403 (a), the vignette showing liquid pouring over a fruit cake from the spigot of a barrel labeled "Rum and Brandy," the designation "Rum and Brandy Fruit Cake," and the statements "a generous dousing of fine imported Rum and Brandy," borne on the labels, were false and misleading as applied to an article that contained little, if any, rum or brandy; and, Section 403 (k), the article contained a chemical preservative and failed to bear labeling stating that fact.

DISPOSITION: March 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

10712. Adulteration of bread and cake. U. S. v. R. J. Mrizek Co. Plea of guilty. Fine, $200. (F. D. C. No. 19045. Sample Nos. 17490–H to 17493–H, incl., 17495–H.)

INFORMATION FILED: March 28, 1946, Northern District of Illinois, against R. J. Mrizek Co., a corporation, Chicago, Ill.

ALLEGED SHIPMENT: On or about August 3, 1945, from the State of Illinois into the State of Indiana.

LABEL, IN PART: (Bread) "Mrizek's Bohemian Rye [or "Dark Rye," or "Old Fashioned Potato Bread"]," or "R. J. Mrizek's Light Rye"; (cake) "This cake is made from best ingredients."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of larvae, adult insects, insect fragments and parts, cast skins and head capsules of larvae, hairs resembling rodent hairs, a fly, and a maggot; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: March 8, 1946. A plea of guilty having been entered, the defendant was fined $200.

10713. Adulteration of fig bars. U. S. v. Venus Foods. Plea of nolo contendere. Fine, $500. (F. D. C. No. 19033. Sample Nos. 31146–H, 32446–H.)

INFORMATION FILED: April 18, 1946, Southern District of California, against Venus Foods, a partnership, Los Angeles, Calif.

ALLEGED SHIPMENT: On or about July 2 and 17, 1945, from the State of California into the States of Arizona and Texas.

LABEL, IN PART: "Figarden Brand * * * Fig Bars," or "Venus Wheat Fig Bars."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, hairs resembling rodent hairs, insects, insect fragments, and feather fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 27, 1946. A plea of nolo contendere having been entered, the court imposed a fine of $250 on each of the 2 counts of the information.

10714. Adulteration of cookies. U. S. v. 1,874 Caddies * * *. (F. D. C. No. 19102. Sample Nos. 18298–H to 18300–H, incl., 19301–H to 19303–H, incl.)

LIBEL FILED: February 11, 1946, Southern District of Iowa.

ALLEGED SHIPMENT: On or about January 4 and 12, 1946, by the Manchester Biscuit Co., from Sioux Falls, S. Dak.

PRODUCT: 1,874 caddies of cookies at Des Moines, Iowa. The caddies contained from 5½ pounds to 9¾ pounds of the product.

LABEL, IN PART: "Chocolate Drop," "Peanut Butter Cookie," "Chocolate Ontario," "Mother's Cookie," "Lad's Cookie," or "Skippy."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 3, 1946. No claimant having appeared, judgment of condemnation was entered and the cookies were ordered destroyed.

10715. Adulteration of soda crackers and zwieback. U. S. v. 120 Cartons, etc. (and 1 other seizure action). (F. D. C. Nos. 19103, 19104. Sample Nos. 19630–H, 19633–H, 50920–H.)

LIBELS FILED: February 8 and 9, 1946, Northern District of Iowa and District of Minnesota.

ALLEGED SHIPMENT: Between the approximate dates of January 8 and 14, 1946, by the Manchester Biscuit Co., from Sioux Falls, S. Dak.

PRODUCT: 120 cartons, each containing 12 1-pound packages, of soda crackers and 65 cartons, each containing 12 7-ounce packages, of zwieback at St. Paul, Minn., and 48 cases, each containing 12 7-ounce packages, of zwieback at Sioux City, Iowa.

LABEL, IN PART: "Waldorf Crackers," or "Flame Kissed Zwieback."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insect fragments and rodent hair fragments in the soda crackers, and insect fragments in the zwieback; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: March 12 and June 27, 1946. No claimant having appeared, judgments of condemnation were entered. The Sioux City lot was ordered destroyed, and the remainder of the product was ordered denatured for use as animal feed or destroyed, under the supervision of the Food and Drug Administration.

10716. Misbranding of cheese crackers. U. S. v. 34 Cases * * *. (F. D. C. No. 18499. Sample No. 36478–H.)

LIBEL FILED: November 27, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about September 26, 1945, by the Rex Food Products Co., from Los Angeles, Calif.

PRODUCT: 34 cases, each containing 48 3-ounce bags, of cheese crackers at Seattle, Wash. Examination showed that the product was short-weight.

LABEL, IN PART: (Bags) "Have-Sum Brand Cheese Crackers Net Weight 3 Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 25, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

10717. Adulteration of rye hardtack. U. S. v. Ralston Purina Co. (Ry-Krisp Division of Ralston Purina Co.) and George W. Hans. Pleas of guilty. Corporation fined $1,000; individual fined $250. (F. D. C. No. 19039. Sample Nos. 9387–H, 9388–H, 18262–H, 18271–H, 18275–H to 18277–H, incl.)

INFORMATION FILED: April 8, 1946, District of Minnesota, against the Ralston Purina Co., a corporation, trading as Ry-Krisp Division of Ralston Purina Co. at Minneapolis, Minn., and George W. Hans, superintendent of the manufacturing plant of the corporation.

ALLEGED SHIPMENT: On or about July 14, 16, and 18, 1945, from the State of Minnesota into the States of New York, Iowa, and South Dakota.

LABEL, IN PART: "Ry-Krisp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 13, 1946. Pleas of guilty having been entered, the corporation was fined $1,000, and the individual was fined $250.

10718. Adulteration of rye hardtack. U. S. v. Champion Animal Food Co. (Ser Baking Co.), John F. Koch, and Clarence R. Schultz. Pleas of guilty. Corporation fined $300; individuals each fined $100. (F. D. C. No. 18595. Sample Nos. 13888–H, 13889–H, 17974–H, 17975–H, 18254–H, 18255–H, 20767–H, 20768–H.)

LIBEL FILED: April 8, 1946, District of Minnesota, against the Champion Animal Food Co., a corporation, trading as the Ser Baking Co., Minneapolis, Minn., and John F. Koch, vice president of the corporation, and Clarence R. Schultz, superintendent of the Minneapolis factory.

ALLEGED SHIPMENT: Between the approximate dates of May 16 and July 5, 1945, from the State of Minnesota into the States of Ohio, Illinois, Iowa, and Missouri.

LABEL, IN PART: "Supreme Rye Knackebrod Distributed by The Lakeside Biscuit Co.," "Manchester's Swedish Style Rye Knackebrod," or "Ser-Ry."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects, insect fragments, setae, rodent hair fragments, cat hair fragments, and feather fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 13, 1946. Pleas of guilty having been entered, the corporation was fined $300, and each of the individuals was fined $100.

10719. Adulteration of hardtack. U. S. v. Purity Baking Co. (Rye Products Co.) and Sam Cohen. Pleas of guilty. Company fined $400; individual fined $200. (F. D. C. No. 18598. Sample No. 29914–H.)

INFORMATION FILED: March 5, 1946, District of Minnesota, against the Purity Baking Co., a corporation, trading as the Rye Products Co., and Sam Cohen, manager.

ALLEGED SHIPMENT: On or about August 6, 1945, from the State of Minnesota into the State of California.

LABEL, IN PART: (Packages) "Genuine Swedish Style Brittle Bread Knackebrod."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, insect and larva fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 13, 1946. Pleas of guilty having been entered on behalf of the defendants, the corporation was fined $400, and the individual was fined $200.

10720. Adulteration of bakery products and gelatin dessert. U. S. v. 62 Containers, etc. (F. D. C. No. 18815. Sample Nos. 50640–H to 50642–H, incl., 50644–H, 50645–H.)

LIBEL FILED: January 5, 1946, District of North Dakota.

ALLEGED SHIPMENT: Between the approximate dates of November 28 and December 15, 1945, by Griggs, Cooper and Co., from St. Paul, Minn.

PRODUCT: 32 cases, each containing 18 2-pound packages, 8 6-pound cartons, and 22 cases, each containing 12 11½-ounce packages, of bakery products and 72 packages of gelatin dessert at Fargo, N. Dak. Examination showed that the products contained rodent hairs and insect fragments.

LABEL, IN PART: "Minuet Dainty Tasty Salted Wafers," "Minuet Ginger Snap," "Minuet Honeysuckle," "Home Brand Quick Setting Gelatine Dessert Imitation Raspberry [or "Lemon"] Flavor."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), insanitary conditions existed at the plant of Griggs, Cooper & Co., St. Paul, Minn., which would result in contamination of the products there manufactured.

DISPOSITION: April 22, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

CORN MEAL*

10721. Adulteration of corn meal. U. S. v. Yelton Milling Co. Plea of nolo contendere. Fine, $500 on count 1; judgment suspended on other counts. F. D. C .No. 18601. Sample Nos. 288–H, 296–H, 297–H.)

INFORMATION FILED: January 29, 1946, Western District of North Carolina, against the Yelton Milling Co., a partnership, Rutherfordton, N. C.

ALLEGED SHIPMENT: On or about July 12 and 25 and August 9, 1945, from the State of North Carolina into the State of South Carolina.

LABEL, IN PART: "Home Ground Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, insect excreta pellets, rodent hair fragments, and rodent excreta; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 18, 1946. A plea of nolo contendere having been entered, the court imposed a fine of $500 on count 1 of the information and suspended judgment on the other 2 counts.

10722. Adulteration of corn meal. U. S. v. Cadick Milling Co. Plea of guilty. Fine, $100. (F. D. C. No. 19044. Sample Nos. 52588–H, 52589–H, 52593–H.)

INFORMATION FILED: August 29, 1946, Southern District of Indiana, against the Cadick Milling Co., a corporation, Grand View, Ind.

ALLEGED SHIPMENT: On or about October 29 and November 1 and 5, 1945, from the State of Indiana into the State of Kentucky.

LABEL, IN PART: "Cadick's * * * Old Style Unbolted Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

DISPOSITION: September 6, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $100.

10723. Adulteration of corn meal. U. S. v. 162 Bags * * *. (F. D. C. No. 18717. Sample No. 3544–H.)

LIBEL FILED: January 4, 1946, District of Maryland.

ALLEGED SHIPMENT: On or about September 18, 1945, from Webb City, Mo.

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*See also No. 10725.

PRODUCT: 162 100-pound bags of yellow corn meal at Baltimore, Md., in possession of the Terminal Warehouse Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the article contained rodent hair fragments and insect fragments.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 29, 1946. The Doughnut Corporation of America, Ellicott City, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be denatured for use as animal feed, under the supervision of the Food and Drug Administration.

10724. Adulteration of corn meal, dried beans, and sugar. U. S. v. 108 Bales, etc. (F. D. C. No. 18573. Sample Nos. 35226–H to 35229–H.)

LIBEL FILED: On or about December 28, 1945, Western District of Missouri.

ALLEGED SHIPMENT: On or about October 5, 8, and 20, 1945, from Topeka, Kans., Torrington, Wyo., and Richmond, Calif.

PRODUCT: 108 bales, each containing 5 10-pound bags, and 78 bales, each containing 5 10-pound bags, of white corn meal, 27 100-pound bags of dried beans, and 247 bales, each containing 6 10-pound bags, of sugar at Cabool, Mo., in possession of the Reed-Harlin Grocery Co.

The products were stored under insanitary conditions after shipment. The warehouse was badly rodent-infested, and many bags were rodent-gnawed. Examination showed that the product contained rodent pellets.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: April 3, 1946. The Reed-Harlin Grocery Co. having appeared as claimant, judgment of condemnation was entered and the products were ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

FLOUR

Nos. 10725 to 10728 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.) The flour reported in **Nos. 10729 to 10731** failed to meet the standard for enriched flour.

10725. Adulteration of self-rising flour and corn meal. U. S. v. Galveston Mills. Plea of nolo contendere. Fine, $200. (F. D. C. No. 19028. Sample Nos. 2333–H, 43223–H to 43225–H, incl.)

INFORMATION FILED: October 21, 1946, Western District of Virginia, against Galveston Mills, a partnership, Gretna, Va.

ALLEGED SHIPMENT: On or about July 19 and September 22 and 29, 1945, from the State of Virginia into the State of North Carolina.

LABEL, IN PART: "Eagle Brand Flour * * * Self-Rising," "Golden Rule Self-Rising Superlative Patent Flour," or "Vaden's Red Cross * * * Old Fashion Bolted Country Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent excreta pellet fragments, rodent hair fragments, insect fragments, a larva, larva head capsules, larva cast skins, mites, and a psocid; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: October 21, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $50 on each of 4 counts, a total fine of $200.

10726. Adulteration of high gluten flour. U. S. v. 53 Bags * * *. (F. D. C. No. 18575. Sample No. 12212–H.)

LIBEL FILED: December 18, 1945, District of Vermont.

ALLEGED SHIPMENT: On or about June 6, 1945, by Federal Mill, Inc., from Lockport, N. Y.

PRODUCT: 53 100-pound bags of high gluten flour at Bellows Falls, Vt.

LABEL, IN PART: "16 Cylinder High Gluten Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and webbing.

DISPOSITION: March 6, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered delivered to a State institution, for use as animal feed.

10727. Adulteration of pastry flour. U. S. v. 12 Bags * * *. (F. D. C. No. 18994. Sample No. 8137–H.)

LIBEL FILED: January 21, 1946, Eastern District of New York.

ALLEGED SHIPMENT: On or about September 13, 1945, from Minneapolis, Minn.

PRODUCT: 12 100-pound bags of pastry flour at Long Island City, N. Y., in possession of Mrs. Eggers Baking Company. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the product contained urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 21, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10728. Adulteration of phosphated flour. U. S. v. 284 Bales, etc. (F. D. C. No. 18563. Sample Nos. 22207–H to 22211–H, incl.)

LIBEL FILED: December 14, 1945, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about October 20 and 30, 1945, by St. Marys Mill Co., from St. Marys, Mo.

PRODUCT: Phosphated flour. 26 bales, each containing 10 2-pound bags, 16 bales, each containing 10 5-pound bags, 242 bales, each containing 5 10-pound bags, 610 25-pound bags, 36 50-pound bags, and 23 100-pound bags at Little Rock, Ark.

LABEL, IN PART: "Orris Bleached Phosphated Flour Enriched."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 20, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as stock feed.

10729. Adulteration and misbranding of enriched flour. U. S. v. 478 Bags * * *. (F. D. C. No. 18422. Sample No. 52512–H.)

LIBEL FILED: December 11, 1945, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about June 26, 1945, by the Thomas Page Mill Co., from Topeka, Kans.

PRODUCT: 478 25-pound bags of flour at Russell, Ky.

LABEL, IN PART: "Page's Climax Fancy Patent Enriched Flour."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine (vitamin B_1), had been in part omitted from the product. Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for enriched flour since it contained approximately 1.54 milligrams of thiamine (vitamin B_1) per pound, whereas the standard requires that enriched flour shall contain at least 2 milligrams of thiamine per pound.

DISPOSITION: January 14, 1946. The Thomas Page Milling Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was denatured for use as animal feed.

10730. Adulteration and misbranding of enriched flour. U. S. v. 187 Bags * * *. (F. D. C. No. 18188. Sample No. 11744–H.)

LIBEL FILED: October 22, 1945, District of Maine.

ALLEGED SHIPMENT: On or about August 16, 1945, by the Chelsea Milling Co., from Chelsea, Mich.

PRODUCT: 187 bags, each containing 25 pounds, of enriched flour at Hiram, Maine.

LABEL, IN PART: "Pioneers Bread and Pastry Flour Bleached Enriched * * * Manufactured For Heywood Mil'g Co. Jackson, Mich."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, thiamine (vitamin B_1) and iron, had been in part omitted.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity as amended for enriched flour. The standard requires that enriched flour shall contain in each pound not less than 2.0 milligrams of thiamine (vitamin B_1) and not less than 13.0 milligrams of iron, whereas the product contained approximately 0.49 milligram of thiamine and 3.79 milligrams of iron per pound.

DISPOSITION: February 14, 1946. Seth C. Clemons Co., Hiram, Maine, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, by reprocessing or relabeling under the supervision of the Food and Drug Administration.

10731. Adulteration and misbranding of enriched flour. U. S. v. 140 Bags * * *. (F. D. C. No. 18514. Sample No. 35218–H.)

LIBEL FILED: On or about December 8, 1945, Western District of Missouri.

ALLEGED SHIPMENT: On or about September 15, 1945, by Goodlander Flour Mills, from Fort Scott, Kans.

PRODUCT: 140 10-pound bags of enriched flour at Springfield, Mo. This product contained less than 2 milligrams of thiamine (vitamin B_1) per pound.

LABEL, IN PART: "Enriched Flour Bleached * * * Sun Gold Flour."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine (vitamin B_1), had been in part omitted.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for enriched flour, which requires that enriched flour shall contain in each pound not less than 2.0 milligrams of thiamine (vitamin B_1).

DISPOSITION: June 4, 1946. The Flour Mills of America, Inc., trading as Goodlander Mills Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

MACARONI AND NOODLE PRODUCTS

10732. Adulteration of macaroni and noodle products. U. S. v. 900 Cases * * *. (F. D. C. No. 18656. Sample Nos. 44144–H to 44146–H, incl., 44148–H.)

LIBEL FILED: December 19, 1945, District of Arizona.

ALLEGED SHIPMENT: On or about October 31, 1945, by the Pacific Macaroni Co., from Los Angeles, Calif.

PRODUCT: 50 cases, each containing 20 1-pound bags, of salad macaroni, 300 cases, each containing 12 1-pound or 24 ½-pound bags, of egg noodles, 400 cases, each containing 18 1-pound bags, and 50 20-pound cases of Fideo, 50 20-pound cases of cut macaroni, and 50 20-pound cases of spaghettini at Phoenix, Ariz.

LABEL, IN PART: "Gold Stem Brand * * * Acme Macaroni and Cracker Co. Los Angeles, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: March 27, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

10733. Adulteration of macaroni products. U. S. v. 9 Cartons * * *. (F. D. C. No. 19095. Sample No. 10873–H.)

LIBEL FILED: February 6, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about January 4, 1946, by the Indiana Macaroni Co., Inc., from Indiana, Pa.

PRODUCT: 9 cartons, each containing 12 16-ounce packages, of macaroni products at Buffalo, N. Y.

LABEL, IN PART: "Indiana Brand Bow Ties Made from Flour and Egg Yolks."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 4, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10734. Adulteration of Spaghetti Dinner. U. S. v. 37 Cases * * *. (F. D. C. No. 18490. Sample No. 37830–H.)

LIBEL FILED: November 27, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about October 10, 1945, by the Golden Grain Macaroni Manufacturing Co., from Seattle, Wash.

PRODUCT: 37 cases, each containing 48 packages, of Spaghetti Dinner at Portland, Oreg. The packages contained spaghetti and a cellophane bag of dehydrated sauce.

LABEL, IN PART: "Golden Grain Quick-Cooking Spaghetii Dinner With Dehydrated Italian Style Tomato-Cheese Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent excreta fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

10735. Adulteration of corn starch. U. S. v. 49 Bags * * *. (F. D. C. No. 18518. Sample No. 18799–H.)

LIBEL FILED: December 1, 1945, District of Minnesota.

ALLEGED SHIPMENT: On or about September 17 and October 14, 1943, and July 26, 1944, by the American Maize Products Co., from Roby, Ind.

PRODUCT: 49 100-pound bags of corn starch at Minneapolis, Minn.

LABEL, IN PART: "Amaizo Wet Milled Corn Starch—Gelex."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, rodent pellets, and rodent urine.

DISPOSITION: April 10, 1946. No claimant having appeared, judgment was entered ordering that the product be destroyed unless converted to, and disposed of as, animal feed, under the supervision of the Food and Drug Administration.

10736. Adulteration of corn starch and rice. U. S. v. 49 Bags, etc. (F. D. C. No. 18525. Sample Nos. 28997–H, 28998–H.)

LIBEL FILED: December 5, 1945, Eastern District of Washington.

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*See also No. 10753.

ALLEGED SHIPMENT: On or about January 28, 1944, and September 8, 1945, from North Kansas City, Mo., and Portland, Oreg.

PRODUCT: 49 100-pound bags of corn starch and 8 100-pound bags of rice at Walla Walla, Wash., in possession of Interior Grocery Co. The products were stored under insanitary conditions after shipment. Some bags were rodent-gnawed, and rodent pellets were observed on them. Examination showed that the products contained rodent hairs.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: February 23, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

10737. Adulteration of rice. U. S. v. 294 Bags * * *. (F. D. C. No. 18920. Sample No. 48857–H.)

LIBEL FILED: January 29, 1946, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about December 6, 1945, from Sacramento, Calif.

PRODUCT: 294 100-pound bags of rice at New Orleans, La., in possession of the Grocery Store Products Co. The product was stored under insanitary conditions. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the product contained rodent excreta and urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: February 21, 1946. The Grocery Store Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed, under the supervision of the Federal Security Agency.

10738. Adulteration of popcorn. U. S. v. 32 Bags * * *. (F. D. C. No. 18126. Sample No. 18789–H.)

LIBEL FILED: November 14, 1945, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about August 23, 1945, by James Savoy & Co., from Chicago, Ill.

PRODUCT: 32 100-pound bags of popcorn at Prairie du Chien, Wis.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent-gnawed kernels.

DISPOSITION: February 20, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

10739. Adulteration of popcorn. U. S. v. 19 Cases * * *. (F. D. C. No. 18800. Sample No. 58106–H.)

LIBEL FILED: January 15, 1946, District of Oregon.

ALLEGED SHIPMENT: On or about November 26, 1945, by Kirk's Corn Products, from Spokane, Wash.

PRODUCT: 9 cases, each containing 48 2-ounce bags, and 10 cases, each containing 18 6-ounce bags, of popcorn at Eugene, Oreg.

LABEL, IN PART: "Kirk's Corn Products Pop Corn Ingredients: Pure Special Oil, Artificial Color, Popcorn Salt and Popcorn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae; and, Section 402 (b) (2), popcorn with artificially colored mineral oil and salt had been substituted for popcorn with edible oil and salt.

DISPOSITION: March 11, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10740. Adulteration of breading. U. S. v. 38 Packages * * *. (F. D. C. No. 18362. Sample No. 949–H.)

LIBEL FILED: On or about November 13, 1945, Southern District of Florida.

ALLEGED SHIPMENT: On or about August 16, 1945, by the Meletio Sea Food Co., from St. Louis, Mo.

PRODUCT: 38 packages, each containing 5 pounds, of breading at Miami, Fla.

LABEL, IN PART: "Golden Dipt Ready-Mixed Breading."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and cast skins.

DISPOSITION: January 14, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

CHOCOLATE, SUGAR, AND RELATED PRODUCTS

CANDY*

10741. Adulteration of candy. U. S. v. Walter L. Williams (Walter Williams Candy Co.). Plea of guilty. Fine, $100. (F. D. C. No. 18596. Sample Nos. 23211–H, 23212–H, 23758–H, 23857–H.)

INFORMATION FILED: February 7, 1946, Western District of Oklahoma, against Walter L. Williams, an individual, trading as the Walter Williams Candy Co., Oklahoma City, Okla.

ALLEGED SHIPMENT: April 9 and 16 and June 5, 1945, from the State of Oklahoma into the States of Texas and Missouri.

LABEL, IN PART: "William's Jellies," or "Peppermint Log."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and hairs resembling rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 27, 1946. A plea of guilty having been entered, the defendant was fined $100.

10742. Adulteration of candy. U. S. v. 12 Cases, etc. (F. D. C. No. 18495. Sample Nos. 28991–H, 28992–H.)

LIBEL FILED: November 27, 1945, Eastern District of Washington.

ALLEGED SHIPMENT: On or about September 11, 1945, by the Star Candy Co., from Dallas, Tex.

PRODUCT: 20 cases, each case containing 28 boxes and each box containing 16 bars, of candy at Wenatchee, Wash.

LABEL, IN PART: "Star Candy Bar * * * Star Candy Co., Dallas, Texas," or "Bingo Made by Consolidated Mfg. Co., Dallas, Texas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: January 9, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10743. Adulteration of candy. U. S. v. 8 Cases, etc. (F. D. C. No. 18267. Sample Nos. 11671–H, 11672–H.)

LIBEL FILED: November 1, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about October 11 and 17, 1945, by L. E. Rideout, from Auburn, Maine. These were return shipments.

PRODUCT: 14 cases, each containing 10 5-pound boxes, of candy at Lawrence, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy and rancid candy.

DISPOSITION: March 11, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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*See also No. 10847.

10744. Adulteration of candy. U. S. v. 9 Boxes, etc. (F. D. C. No. 19149. Sample No. 46810–H.)

LIBEL FILED: February 20, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about January 3, 1946, by Gimbal Brothers, from San Francisco, Calif.

PRODUCT: 10 5-pound boxes and 36 pounds of candy.

LABEL, IN PART: "Gimbal's Lacoom Paste," or "Gimbal's Society Dips."

NATURE OF CHARGE: Adulteration, Section 402 (d), the article was confectionery and contained a nonnutritive substance, wood splinters.

DISPOSITION: April 15, 1946. Gimbal Brothers having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

10745. Adulteration of candy. U. S. v. 25 Boxes * * *. (F. D. C. No. 18923. Sample No. 56214–H.)

LIBEL FILED: On or about February 15, 1946, District of Kansas.

ALLEGED SHIPMENT: On or about December 5, 1945, by George B. Keith and Son, from Tulsa, Okla.

PRODUCT: 25 boxes, each containing 18 cellophane-wrapped sticks, of candy at Pittsburg, Kans.

LABEL, IN PART: "Stick Candy Net Wt. 1 oz. or over Carmelita Candy Co. Tulsa – Okla. City."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 6, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10746. Adulteration of candy. U. S. v. 8 Cartons * * *. (F. D. C. No. 19131. Sample No. 35279–H.)

LIBEL FILED: February 11, 1946, Western District of Arkansas.

ALLEGED SHIPMENT: On or about November 13, 1945, by the Woody Candy Co., from Oklahoma City, Okla.

PRODUCT: 8 36-pound cartons of candy at Hot Springs, Ark.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect parts; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 28, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10747. Adulteration of candy. U. S. v. 7 Cartons * * *. (F. D. C. No. 18584. Sample No. 52616–H.)

LIBEL FILED: December 21, 1945, Southern District of Indiana.

ALLEGED SHIPMENT: On or about November 19, 1945, by the Runkle Co., from Kenton, Ohio.

PRODUCT: 7 cartons, each containing 3 boxes of about 14 pounds each, of candy at Bloomington, Ind.

LABEL, IN PART: "Margo Chocolates Caramel."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 13, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

10748. Misbranding of candy. U. S. v. 75 Boxes * * *. (F. D. C. No. 17997. Sample No. 36920–H.)

LIBEL FILED: October 18, 1945; amended libel filed October 23, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about July 27, 1945, by the Chicago Candy Association, from Chicago, Ill.

PRODUCT: 75 boxes, each containing 72 cartons, of candy at Seattle, Wash. The product consisted of ground peanuts in a taffy-like base.

LABEL, IN PART: "Peanets, Sugar Roasted Peanuts."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Peanets, Sugar Roasted Peanuts" was misleading since the product did not consist of sugar roasted peanuts; and, Section 403 (d), the container was so filled as to be misleading since the package could hold several additional pieces of candy.

DISPOSITION: January 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal hospital.

10749. Misbranding of candy. U. S. v. 19 Boxes, etc. (F. D. C. No. 19171. Sample Nos. 9115–H, 9116–H.)

LIBEL FILED: February 7, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about January 9, 1946, by Kopper's Chocolate Specialty Co., from New York, N. Y.

PRODUCT: 19 boxes and 22 boxes of candy at Plainfield, N. J. Examination showed that the product was short-weight.

LABEL, IN PART: "Kopper's Mocha Melba Net Weight ½ Lb.," or "Kopper's Selected Chocolates Net Weight One Pound."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear labels containing accurate statements of the quantity of the contents, since the boxes contained less than the declared weight.

DISPOSITION: April 29, 1946. Kopper's Chocolate Specialty Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be repacked to full weight under the supervision of the Food and Drug Administration.

10750. Misbranding of candy. U. S. v. 20 Cases * * *. (F. D. C. No. 18652. Sample Nos. 30037–H, 30038–H.)

LIBEL FILED: December 21, 1945, Territory of Hawaii.

ALLEGED SHIPMENT: On or about November 7, 1945, by Kessler Bros., from San Francisco, Calif.

PRODUCT: 10 cases, each containing 24 20-ounce boxes, and 10 cases, each containing 42 10-ounce boxes, of candy at Honolulu, T. H. Examination showed that the product was short-weight.

LABEL, IN PART: "Sweet Treet Fresh from the House of Hansel and Gretel Net Weight 20 [or "10"] ounces."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: July 19, 1946. Default decree of condemnation. Product ordered delivered to public institutions.

10751. Misbranding of candy and adulteration of marshmallow whip. U. S. v. California Fruit Chimes Co. Plea of nolo contendere. Fine, $500. (F. D. C. No. 17775. Sample Nos. 72000–F, 27334–H.)

INFORMATION FILED: March 25, 1946, Southern District of California, against the California Fruit Chimes Co., a partnership, San Gabriel, Calif.

ALLEGED SHIPMENT: On or about September 21, 1944, and February 19, 1945, from the State of California into the States of Oregon and Washington.

LABEL, IN PART: "Spanish Nut Toffee," or "Mission Chimes Marshmallow Whip."

NATURE OF CHARGE: Spanish nut toffee, misbranding, Section 403 (d), the container of the product was so filled as to be misleading since the boxes were filled to not more than 51.7 percent of their capacity.

Marshmallow whip, adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly fragments, insect fragments, and a cat hair.

DISPOSITION: May 27, 1946. A plea of nolo contendere having been entered, the defendant was fined $500.

10752. Misbranding of pecan rolls. U. S. v. 1,260 Tins * * *. (F. D. C. No. 18766. Sample No. 16356–H.)

LIBEL FILED: January 3, 1946, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about August 7, 1945, by Brickman's Food Co., from Waco, Tex.

PRODUCT: 1,260 8-ounce tins of pecan rolls at Milwaukee, Wis. Examination showed that the product was short-weight.

LABEL, IN PART: "Martha Jane Delicious Pecan Roll Net Weight 8 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: On February 6, 1946, no claimant having appeared, judgment of condemnation was entered and the product was ordered held for disposal in accordance with a further order of the court. On May 16, 1946, an order was entered providing for the delivery of the product to charitable institutions.

10753. Adulteration of popcorn and molasses blocks (confections). U. S. v. 15 Cartons, etc. (F. D. C. No. 18462. Sample Nos. 12269–H to 12271–H, incl.)

LIBEL FILED: November 27, 1945, District of Maine.

ALLEGED SHIPMENT: On or about October 22, 1945, by the Saratoga Pop Corn Co., from Beverly, Mass.

PRODUCT: 39 cartons, each containing 48 2-ounce bags, of popcorn and 15 cartons each containing 80 molasses blocks at Portland, Maine.

LABEL, IN PART: "Saratoga French Fried Pop Corn * * * Vegetable Oil [or "Edible Oil"]," or "Saratoga Brand Saratoga Fine Molasses Blocks."

NATURE OF CHARGE: Popcorn, adulteration, Section 402 (a) (1), the 2 lots of the product contained 21 percent and 26 percent, respectively, of added mineral oil, a deleterious substance, which might have rendered the popcorn injurious to health; Section 402 (b) (1), a valuable constituent, an edible oil, had been in whole or in part omitted; Section 402 (b) (2), popped corn with artificially colored nonnutritive mineral oil had been substituted for popcorn with edible oil; Section 402 (b) (3), inferiority had been concealed by the addition of artificial color; and, Section 402 (b) (4), artificially colored mineral oil had been mixed and packed therewith so as to reduce its quality or strength and make it appear better and of greater value than it was.

Molasses blocks, adulteration, Section 402 (d), the product was confectionery and contained mineral oil, a nonnutritive substance.

DISPOSITION: December 21, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed. Their destruction was effected by burning.

CHOCOLATE AND COCOA PRODUCTS

10754. Adulteration and misbranding of milk chocolate and dark chocolate. U. S. v. 5 Bags, etc. (F. D. C. No. 19743. Sample Nos. 8722–H, 8723–H.)

LIBEL FILED: May 6, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about February 25, 1946, by the Idis Chocolate and Candy Manufacturing Co., Inc., from Brooklyn, N. Y.

PRODUCT: 5 bags, each containing 200 pounds, of milk chocolate and 5 bags, each containing 200 pounds, of dark chocolate at Lakewood, N. Y. Examination showed that both lots contained added ice-cream cone material; that the milk chocolate contained skim milk solids instead of milk solids; and that the dark chocolate appeared to be and, in fact, was skim milk chocolate, although not so labeled.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), skim milk chocolate containing added ice cream cone material had been substituted for milk chocolate and dark chocolate, which the articles were represented to be; and, Section 402 (b) (4), ice cream cone material had been added to the articles and mixed and packed with them so as to reduce their quality and strength.

Misbranding, Section 403 (g) (1), the milk chocolate failed to conform to the definition and standard of identity for milk chocolate; and, Section 403 (g) (2), the dark chocolate purported to be skim milk chocolate, a food for

which a definition and standard of identity had been prescribed by regulations, but its label failed to bear the name of the food specified in the definition and standard.

DISPOSITION: October 4, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to charitable institutions, provided that on examination and inspection by the Food and Drug Administration the products were found fit for human consumption.

10755. Adulteration of milk chocolate coating. U. S. v. 153 Bags * * *. (F. D. C. No. 19975. Sample No. 5324–H.)

LIBEL FILED: May 29, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about May 9, 1946, by the Mrs. J. G. McDonald Chocolate Co., from Salt Lake City, Utah.

PRODUCT: 153 200-pound bags of milk chocolate coating at Camden, N. J.

LABEL, IN PART: "Idis Chocolate & Candy Mfg. Co. * * * Brooklyn, N. Y. Milk Chocolate."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of rodent excreta, insects, and mold.

DISPOSITION: June 10, 1946. The Mrs. J. G. McDonald Chocolate Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the fit be segregated from the unfit and the latter utilized for some purpose other than for human consumption, under the supervision of the Federal Security Agency.

10756. Adulteration of chocolate coating. U. S. v. 6 Bales * * *. (F. D. C. No. 18484. Sample No. 13784–H.)

LIBEL FILED: November 26, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about January 24, 1945, by Blumenthal Brothers, from Frankford, Pa.

PRODUCT: 6 180-pound bales of chocolate coating at Bellevue, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and larvae.

DISPOSITION: December 27, 1945. The Akron Candy Co., Bellevue, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration.

10757. Adulteration of cocoa. U. S. v. 20 Bags * * *. (F. D. C. No. 19717. Sample No. 1457–H.)

LIBEL FILED: April 30, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about April 2, 1945, from Chattanooga, Tenn.

PRODUCT: 20 125-pound bags of cocoa at Atlanta, Ga., in possession of Mrs. Bell's Preserving Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and examination showed that the product was moldy and contained rodent hairs and pellets.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 13, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10758. Adulteration and misbranding of chocolate-flavored sirup. U. S. v. 26 Cases * * *. (F. D. C. No. 19916. Sample No. 43018–H.)

LIBEL FILED: May 13, 1946, District of Columbia.

ALLEGED SHIPMENT: On or about January 9, 1946, by Gordon-Thaler, Inc., from Brooklyn, N. Y.

PRODUCT: 26 cases, each containing 24 1-pound jars, of chocolate-flavored sirup at Washington, D. C.

LABEL, IN PART: "GT Double Strength Chocolate Flavored Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance having a predominating taste of strong molasses with a barely noticeable cocoa flavor had been substituted in whole or in part for double strength chocolate-flavored sirup.

Misbranding, Section 403 (a), the label statement "Double Strength Chocolate Flavored Syrup" was false and misleading.

DISPOSITION: July 29, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

SIRUP AND SUGAR*

10759. Adulteration and misbranding of cane sirup and cane and maple sirup. U. S. v. Dixie Lily Milling Company, Inc. (Webb's Syrup Co.). Plea of nolo contendere. Fine, $300. (F. D. C. No. 15591. Sample Nos. 63623–F, 63960–F.)

INFORMATION FILED: January 28, 1946, Northern District of Florida, against the Dixie Lily Milling Company, Inc., a corporation, trading as Webb's Syrup Co., Williston, Fla.

ALLEGED SHIPMENT: Between the approximate dates of July 12 and November 8, 1944, from the State of Florida into the State of Georgia.

LABEL, IN PART: "Webb's Special Delicious Cane & Maple Syrup," or "Webb's Best Cane Syrup."

NATURE OF CHARGE: Cane and Maple Syrup. Adulteration, Section 402 (b) (1), a valuable constituent, maple sugar or maple sirup, had been in whole or in part omitted from the article; Section 402 (b) (2), an artificially flavored and colored mixture of sugar and water had been substituted in whole or in part for a mixture of cane and maple sirup; and, Section 402 (b) (4), artificial color had been added to the article and mixed and packed with it so as to make it appear to be a mixture of cane sirup and maple sirup, which is better and of greater value than the article. Misbranding, Section 403 (a), the label statements "Cane & Maple Syrup" and "Made from Cane Sugar Syrup, Pure Maple Syrup and Imitation Flavor" were false and misleading; Section 403 (c), the article was an imitation of maple sirup, and its label failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated.

Cane Syrup. Adulteration, Section 402 (b) (1), a valuable constituent, cane sirup, had been in whole or in part omitted from the article; Section 402 (b) (2), a mixture consisting of sugar sirup, invert sugar sirup, cane sirup, a small amount of cream of tartar, and caramel color had been substituted in whole or in part for cane sirup. Misbranding, Section 403 (a), the label statement "Webb's Best Cane Syrup" was false and misleading; Section 403 (c), the article was an imitation of cane sirup, and its label failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; and, Section 403 (k), the article contained artificial coloring, and it failed to bear labeling stating that fact.

DISPOSITION: January 15, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $300.

10760. Misbranding of cane sirup. U. S. v. 280 Cases * * *. (F. D. C. No. 19106. Sample Nos. 24918–H, 24923–H.)

LIBEL FILED: On or about February 12, 1946, Southern District of Texas.

ALLEGED SHIPMENT: On or about November 8 and 22, 1945, by Star "B" Syrup Plant, from New Iberia, La.

PRODUCT: 280 cases, each containing 12 cans, of cane sirup at Houston, Tex. Examination showed that the product was short-volume.

LABEL, IN PART: (Cans) "Star "B" Pure Cane Syrup Contents 1 Quart, 1 Pint, 6 Fluid Ounces."

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*See also No. 10724.

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 29, 1946. The claimant having admitted that the product was misbranded as alleged in the libel, judgment of condemnation was entered and the sirup was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

10761. Misbranding of maple sirup. U. S. v. 18 Cases * * *. (F. D. C. No. 19020. Sample No. 4667–H.)

LIBEL FILED: February 1, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 21 and 27, 1945, by the New England Maple Syrup Co., from Chelsea, Mass.

PRODUCT: 18 cases, each containing 6 cans, of maple sirup at Philadelphia, Pa. Examination showed that the product was short-weight.

LABEL, IN PART: "Parke's Brand Canned Quality Foods Pure Maple Syrup * * * Net Contents 3 Quarts—Net Weight 8 Lbs. 4 Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: February 25, 1946. The New England Maple Syrup Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

10762. Adulteration of sugar. U. S. v. 27 Bags * * *. (F. D. C. No. 18512. Sample No. 21943–H.)

LIBEL FILED: December 3, 1945, Western District of Tennessee.

ALLEGED SHIPMENT: On or about August 10 and September 29, 1945, from Sterling, La.

PRODUCT: 27 100-pound bags of sugar at Memphis, Tenn., in possession of Memphis Ice Cream Co. The product was stored under insanitary conditions after shipment. Rodent excreta and urine stains were observed on the bags, and examination showed that the product contained rodent excreta and urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 1, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to the highest bidder to be denatured for use other than human consumption, under the supervision of the Food and Drug Administration.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, **Nos. 10763 to 10766 and 10771**; and that was below the standard for milk fat content, **Nos. 10767 to 10770.**

10763. Adulteration of butter. U. S. v. Cecil E. Malone (Hereford Creamery). Plea of guilty. Fine, $400. (F. D. C. No. 18603. Sample Nos. 26156–H, 26743–H.)

INFORMATION FILED: June 4, 1946, Northern District of Texas, against Cecil E. Malone, trading under the name Hereford Creamery, Hereford, Tex.

ALLEGED SHIPMENT: June 21 and July 6, 1945, from the State of Texas into the State of New Mexico.

LABEL, IN PART: "Cream-O-Plains Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, insect fragments, setae, rodent hair, hair similar to rodent hair, hair similar to cat hair, feather barbules, moth scales, and nondescript dirt; and, Section 402 (a) (4), the article had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 10, 1946. The defendant having entered a plea of guilty, the court imposed a fine of $200 on each count, a total fine of $400.

10764. Adulteration of butter. U. S. v. 10 Cases * * *. (F. D. C. No. 18449. Sample No. 13688–H.)

LIBEL FILED: On or about September 6, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: On or about August 27, 1945, by Rising Sun Creamery, Inc., from Rising Sun, Ind.

PRODUCT: 9 30-pound cases and 1 25-pound case of butter at Cincinnati, Ohio. Samples of the product were found to contain rodent hair fragments, vegetable fibers, insects and insect fragments, metal fragments, and a small amount of nondescript dirt.

LABEL, IN PART: "Indiana's Ideal Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions.

DISPOSITION: September 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, conditioned that it be denatured so that it could not be disposed of for human consumption.

10765. Adulteration of butter. U. S. v. 200 Cases * * *. (F. D. C. No. 18670. Sample No. 14015–H.)

LIBEL FILED: September 17, 1945, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about September 10, 1945, by the Merchants Creamery Co., from Cincinnati, Ohio.

PRODUCT: 200 cases, each containing 20 1-pound rolls, of butter at Charleston, W. Va. The product contained mold.

LABEL, IN PART: "Kroger's Country Club Quality Brand Roll Creamery Butter * * * Packed for The Kroger Grocery & Baking Co. * * * Cincinnati, Ohio."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy or decomposed substance.

DISPOSITION: November 7, 1945. The Merchants Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered. It was ordered that the product be released under bond for the purpose of conversion into animal feed or utilization in the manufacture of inedible fats, under the supervision of the Food and Drug Administration.

10766. Adulteration of butter. U. S. v. 28 Cartons (1,764 pounds) * * *. (F. D. C. No. 18673. Sample No. 4568–H.)

LIBEL FILED: August 30, 1945, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 20, 1945, by Orange Creamery, from Orange, Va.

PRODUCT: 28 cartons, each containing 63 pounds, of butter at Harrisburg, Pa. Analysis showed that the product contained mold.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed substance.

DISPOSITION: December 19, 1945. The sole intervener having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered sold, conditioned that it be melted and mixed with other greases, under the supervision of the United States Marshal, so that it could not be used as butter.

10767. Adulteration of butter. U. S. v. Farmers Union Co-operative Creamery and Herman A. Haugen. Pleas of guilty. Fines of $150 against each defendant. (F. D. C. No. 19038. Sample No. 19721–H.)

INFORMATION FILED: March 5, 1946, District of North Dakota, against Farmers Union Co-operative Creamery, a corporation, Portland, N. Dak., and Herman A. Haugen, manager.

ALLEGED SHIPMENT: On or about September 28, 1945, from the State of North Dakota into the State of New York.

LABEL, IN PART: "J. R. Kramer, Inc. New York."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 8, 1946. Pleas of guilty having been entered on behalf of both defendants, the court imposed a fine of $150 against each defendant.

10768. Adulteration of butter. U. S. v. Hygrade Food Products Corporation. Plea of nolo contendere. Fine, $500 and costs. (F. D. C. No. 18594. Sample No. 16107–H.)

INFORMATION FILED: January 4, 1946, Northern District of Iowa, against the Hygrade Food Products Corporation, Olin, Iowa.

ALLEGED SHIPMENT: Between the approximate dates of August 13 and 16, 1945, from the State of Iowa into the State of Michigan.

LABEL, IN PART: "Hygrade's Valleybrook Brand Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the product; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: September 11, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $500, plus costs.

10769. Adulteration of butter. U. S. v. 15 Cases * * *. (F. D. C. No. 18669. Sample Nos. 23111–H, 23115–H.)

LIBEL FILED: August 8, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 15, 1945, by Chaseburg Creamery, from Chaseburg, Wis.

PRODUCT: 15 cases, each containing 62 pounds, of butter at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 23, 1945. The Chaseburg Co-operative Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

10770. Adulteration of butter. U. S. v. 13 Boxes (832 pounds) * * *. (F. D. C. No. 18672. Sample No. 19727–H.)

LIBEL FILED: November 14, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about October 27, 1945, by Murdock Farmers Co-operative Creamery, Murdock, Minn.

PRODUCT: 13 64-pound boxes of butter at New York, N. Y.

LABEL, IN PART: "Butter Distributed by Hunter Walton & Co. * * * New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 27, 1945. The Murdock Farmers Cooperative Creamery Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

10771. Adulteration of butter and cheese. U. S. v. Plains Cooperative, Inc., and G. Wallace Louthan. Pleas of guilty. Fines of $500 against the corporation and $100 against the individual defendant. (F. D. C. No. 18586. Sample Nos. 26151–H, 26152–H.)

INFORMATION FILED: February 14, 1946, Northern District of Texas, against Plains Cooperative, Inc., a corporation, Plainview, Tex., and G. Wallace Louthan, manager.

ALLEGED SHIPMENT: June 18 and 29, 1945, from the State of Texas into the States of California and Missouri.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence, in the butter, of insect fragments, rodent hair fragments, hairs similar to rodent hairs, feather barbules, nondescript dirt, and maggots; the parchment wrappers used in packing the butter were dirty, and mouse pellets identified by mouse hairs were found attached to the parchment wrappers; and the Cheddar cheese contained rodent hairs, feather barbules, dog hairs, cat or dog hairs, human hair, insect leg fragments, plant tissue, fibers, and nondescript dirt. Further adulteration, Section 402 (a) (4), the articles had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: November 25, 1946. Pleas of guilty having been entered, the court imposed fines of $500 against the corporation and $100 against the individual defendant.

CHEESE*

10772. Adulteration of cheese. U. S. v. Evert Hagan (El Rey Cheese Co. and Taylor Maid Co.). Plea of nolo contendere. Fine, $500. (F. D. C. No. 19047. Sample Nos. 31579–H, 31580–H.)

INFORMATION FILED: June 21, 1946, Southern District of California, against Evert Hagan, plant manager of the firm operating as the El Rey Cheese Co. and the Taylor Maid Co., at Los Angeles, Calif.

ALLEGED SHIPMENT: On or about August 4, 1945, from the State of California into the State of Arizona.

LABEL, IN PART: "Sunny Valley Brand ["Taylor Maid Brand"] Pasteurized Sandwich Loaf * * * Mfd. by El Rey Cheese Co. * * * Los Angeles Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of fly fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 12, 1946. A plea of nolo contendere having been entered, the defendant was fined $250 on each count, a total fine of $500.

10773. Adulteration of Cheddar cheese. U. S. v. 96 Boxes * * *. (F. D. C. No. 18835. Sample No. 19623–H.)

LIBEL FILED: January 9, 1946, District of Wisconsin.

ALLEGED SHIPMENT: On or about November 29, 1945, by the Lake Como Cooperative Cheese Co., from Hokah, Minn.

PRODUCT: 96 75-pound boxes of Cheddar cheese at La Farge, Wis.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hairs, and manure; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 27, 1946. Schmitt Brothers Division of The Borden Co., Richland Center, Wis., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be denatured under the supervision of the Food and Drug Administration.

10774. Adulteration and misbranding of Colby cheese. U. S. v. 4 Boxes, etc. (F. D. C. No. 19079. Sample Nos. 19732–H, 19948–H.)

LIBEL FILED: February 7, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about January 4, 1946, by Wuethrich Brothers, from Doylestown, Wis.

PRODUCT: 9 boxes each containing 3 cheeses at St. Paul, Minn.

LABEL, IN PART: "Genuine Colby Wisconsin Junior Cheese," or "Wisconsin * * * Colby Cheese."

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*See also No. 10771.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article containing excessive moisture had been substituted in whole or in part for Colby cheese.

Misbranding, Section 402 (g) (1), the article failed to conform to the definition and standard of identity for Colby cheese since it contained more than 40 percent of moisture.

DISPOSITION: On April 5, 1946, no claimant having appeared, judgment was entered ordering the product converted into animal feed or destroyed under the supervision of the Food and Drug Administration. On April 23, 1945, an amendment to the decree was entered permitting the delivery of the product to a charitable institution, for use as human food.

MISCELLANEOUS DAIRY PRODUCTS

10775. Adulteration of milk and cottage cheese. U. S. v. Associated Dairy Products Co. Plea of nolo contendere. Fine, $1,500. Defendant placed on probation for 5 years. (F. D. C. No. 19042. Sample Nos. 32229–H, 32232–H, 32235–H.)

INFORMATION FILED: March 12, 1946, District of Arizona, against the Associated Dairy Products Co., a corporation, Glendale, Ariz.

ALLEGED SHIPMENT: On or about August 1 and 3, 1946, from the State of Arizona into the States of New Mexico and Texas.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (milk) the product consisted in whole or in part of a filthy substance by reason of the presence of nondescript dirt consisting of brown particles resembling rust or rust-stained casein, fragments resembling manure, an insect fragment, a cow hair, and metal particles, and (cottage cheese) a feather barbule, insect fragments, and cat hairs; and, Section 402 (a) (4), (both products) the articles had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 27, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $750 on each of counts 1 and 2, a total fine of $1,500. Sentence was suspended on count 3 for a period of 5 years, during which time the defendant was to be on probation.

10776. Adulteration and misbranding of evaporated milk. U. S. v. 186 Cases * * *. (F. D. C. No. 19080. Sample No. 19437–H.)

LIBEL FILED: February 7, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about December 15, 1945, by Fort Dodge Creamery Co., from Fort Dodge, Iowa.

PRODUCT: 186 cases, each containing 48 14½-ounce cans, of evaporated milk at Minneapolis, Minn.

LABEL, IN PART: "Jack Sprat Brand Evaporated Milk * * * Contains not less than 325 U. S. P. Vitamin D Units (25 Units Per Fld. Oz.)."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statement "Contains not less than 325 U. S. P. Vitamin D Units (25 Units Per Fld. Oz.)" was false and misleading as applied to the article, which contained less than the stated amount of vitamin D.

DISPOSITION: September 5, 1946. The Western Grocer Co., Marshalltown, Iowa, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.

10777. Misbranding of condensed buttermilk. U. S. v. Nashville Buttermilk Co. and Neil Hunt. Pleas of nolo contendere. Fine of $100 against each defendant. (F. D. C. No. 17832. Sample Nos. 2764–H, 4609–H.)

INDICTMENT RETURNED: On July 24, 1946, Middle District of Tennessee, against the Nashville Buttermilk Co., a corporation, Nashville, Tenn., and Neil Hunt, president—treasurer.

ALLEGED SHIPMENT: February 24 and March 23, 1945, from the State of Tennessee into the States of Virginia and New Jersey.

LABEL, IN PART: "Mfd. For I. H. Nester & Co. Nestco Brand Buttermilk," or "Condensed Buttermilk For Animal And Poultry Feed Supreme Brand Manufactured For Herbert K. Clofine Philadelphia, Pa."

NATURE OF CHARGE: Misbranding, Section 403 (a), (portion of product) the label statements "Buttermilk Equal to Any—Superior to Many Pure Creamery Buttermilk Condensed to a Semi-Solid Solids 27%—Protein 10%—Fat 2% * * * It is All Pure Buttermilk" were false and misleading. These statements represented that the article was condensed buttermilk and that it contained 27 percent of solids, 10 percent of protein, and 2 percent of fat. The article was not condensed buttermilk but was a substance containing starch, and it contained less than 27 percent of solids, less than 10 percent of protein, and less than 2 percent of fat.

Further misbranding, Section 403 (a), (remainder of product) the label statements "Condensed Buttermilk * * * Made by condensing liquid creamery buttermilk * * * Protein 10%" were false and misleading. These statements represented that the article was condensed buttermilk, a substance not containing added starch, and that it contained 10 percent of protein. The article was not condensed buttermilk but was a substance containing added starch, and it contained less than 10 percent of protein.

DISPOSITION: October 9, 1946. Pleas of nolo contendere having been entered on behalf of both defendants, the court imposed a fine of $50 on each count against each defendant, a total fine of $200.

10778. Adulteration and misbranding of condensed buttermilk. U. S. v. 15 Barrels * * *. (F. D. C. No. 18992. Sample No. 5235–H.)

LIBEL FILED: On or about January 28, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about November 26, 1945, by Shearer's Dried Milk Products Corporation, from Philadelphia, Pa.

PRODUCT: 15 barrels, each containing approximately 400 pounds, of condensed buttermilk at Woodbury, N. J. This product was not condensed buttermilk as represented since it contained not more than 0.17 percent of fat, which is less than condensed buttermilk should contain. It contained less protein, fat, lactic acid, and total solids than declared.

LABEL, IN PART: "Lacto-Protein Condensed Buttermilk Min Analyses Protein 10.00% Fat 2% Lactic Acid 6.00% Total Solids 27.00%."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 10 percent of protein, less than 2 percent of fat, less than 6 percent of lactic acid, and less than 27 percent of total solids had been substituted for the article.

Misbranding, Section 403 (a), the designation "Condensed Buttermilk" and the statement "Protein 10% Fat 2% Lactic Acid 6.00% Total Solids 27.00%" were false and misleading.

DISPOSITION: February 1, 1946. Shearer's Dried Milk Products Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

10779. Adulteration of cream. U. S. v. 15 cans * * *. (F. D. C. No. 18434. Sample No. 26865–H.)

LIBEL FILED: September 13, 1945, District of Colorado.

ALLEGED SHIPMENT: On or about September 10, 1945, by the Gartin Creamery, from Franklin, Nebr.

PRODUCT: 15 10-gallon cans of cream at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

DISPOSITION: September 13, 1945. The consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

10780. Adulteration of cream. U. S. v. 4 10-Gallon Cans * * *. (F. D. C. No. 18432. Sample No. 25954–H.)

LIBEL FILED: September 27, 1945, District of Colorado.

ALLEGED SHIPMENT: September 21, 1945, by the Calder Creamery Co., from Vernal, Utah.

PRODUCT: 4 10-gallon cans of cream at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed substance.

DISPOSITION: May 28, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10781. Adulteration of rennet paste. U. S. v. 2 Barrels * * * (and 1 other seizure action). (F. D. C. Nos. 18547, 18764. Sample Nos. 14259–H, 19925–H.)

LIBELS FILED: December 14, 1945, and January 3, 1946, District of Minnesota and Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 11 and November 8, 1945, by Marschall Dairy Laboratory, Inc., from Madison, Wis.

PRODUCT: 2 100-pound barrels of rennet paste at Kerrick, Minn., and 1 50-pound keg and 2 225-pound barrels of rennet paste at Washington Court House, Ohio.

LABEL, IN PART: "Marschall Rennet Paste No. 2 [or "No. 3"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, rodent hair fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 15 and June 27, 1946. No claimant having appeared, judgments were entered ordering that the Ohio lot be destroyed and that the Minnesota lot be destroyed unless denatured and disposed of as animal feed.

FEEDS AND GRAINS

10782. Adulteration and misbranding of yellow feed meal. U. S. v. 150 Bags * * *. (F. D. C. No. 18841. Sample No. 25005–H.)

LIBEL FILED: January 15, 1946, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about October 26, 1945, by the Scott County Milling Co., from Dexter, Mo.

PRODUCT: 150 100-pound bags of yellow feed meal at New Orleans, La.

LABEL, IN PART: "Yellow Unbolted Feed Meal Made with Missouri Corn."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), ground millet had been substituted in whole or in part for ground corn, which the article was represented to be.

Misbranding, Section 403 (a), the label statements "Made with Missouri Corn * * * Ingredients: Fine Ground Corn only" were false and misleading.

DISPOSITION: January 24, 1946. J. T. Gibbons, Inc., New Orleans, La., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

10783. Misbranding of cottonseed meal. U. S. v. Planters Cotton Oil Mill and Irby W. Dunklin. Pleas of nolo contendere. Fine, $200. (F. D. C. No. 17830. Sample No. 33146–H.)

INFORMATION FILED: June 13, 1946, Eastern District of Arkansas, against Planters Cotton Oil Mill, a partnership, Pine Bluff, Ark., and Irby W. Dunklin, a partner.

ALLEGED SHIPMENT: On or about January 10, 1945, from the State of Arkansas into the State of Kansas.

LABEL, IN PART: "Planters Prime Cotton Seed Meal."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Guaranteed analysis, Crude Protein 41 percent" was false and misleading since the product contained less than 41 percent of crude protein.

DISPOSITION: November 11, 1946. Pleas of nolo contendere having been entered on behalf of both defendants, the court imposed a fine of $200 against the defendants, jointly.

10784. Misbranding of dairy feed. U. S. v. Durant Milling Co. Plea of guilty. Fine, $200. (F. D. C. No. 17846. Sample Nos. 34205–H, 34210–H.)

INFORMATION FILED: March 18, 1946, Eastern District of Oklahoma, against the Durant Milling Co., a corporation, Durant, Okla.

ALLEGED SHIPMENT: On or about February 19 and April 13, 1945, from the State of Oklahoma into the State of Texas.

LABEL, IN PART: "Indian Maid Cow Feed," or "Red Warrior Dairy Feed."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Guaranteed Analysis: Crude Protein not less than . . . 16.00 Per Cent" was false and misleading since the article contained less than 16 percent of protein.

DISPOSITION: May 27, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $100 on each count, a total fine of $200.

10785. Misbranding of Hog Concentrate and Cattle and Sheep Pellets. U. S. v. 96 Bags * * * and 16 Bags * * *, and a number of circulars. (F. D. C. No. 19179. Sample Nos. 50662–H, 50663–H.)

LIBEL FILED: March 5, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about January 14, 1946, by the Sioux Sales Co., from Sioux Falls, S. Dak. The circulars were delivered during August 1945.

PRODUCT: 96 100-pound bags of Hog Concentrate and 16 100-pound bags of Cattle and Sheep Pellets and 32 circulars entitled "Fortified 40% Hog Concentrate" and 20 circulars entitled "Fortified 30% Cattle Pellets," at Rushmore, Minn. Both products consisted essentially of meat scraps, soybean oil meal, fish meal, dried skim milk, dried milk albumin, riboflavin concentrate, iodized cod-liver oil, oil of wheat embryo, blood meal, irradiated brewers yeast, manganese sulfate, iron oxide, and ground limestone.

LABEL, IN PART: (Tag) "Sioux Brand Fortified 40% Hog Concentrate"; (bag) "Sioux Brand Cattle and Sheep Pellets Fortified Gland Activator."

NATURE OF CHARGE: Hog Concentrate, misbranding, Section 403 (a), the statement "Contains * * * Gland Activators," borne on the tag, and certain statements in the circular entitled "Fortified 40% Hog Concentrate" were false and misleading. These statements represented and suggested that the product would be effective to promote normal glandular function of hogs and to insure the production of normal litters and health and vitality in the sow, whereas the article would not be effective for such purposes.

Cattle and Sheep Pellets, misbranding, Section 403 (a), the statement "Fortified * * * Gland Activators," borne on the bag, and certain statements in the circular entitled "Fortified 305 Cattle Pellets" were false and misleading. These statements represented and suggested that the product contained ingredients that would be effective to promote normal glandular function of the animal, whereas the product would not be effective for such purpose.

DISPOSITION: August 8, 1946. The Sioux Sales Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

10786. Misbranding of condensed buttermilk emulsion. U. S. v. 8 Pails, etc., and 3 circulars. (F. D. C. No. 18327. Sample No. 19294–H.)

LIBEL FILED: November 5, 1945, Southern District of Iowa.

ALLEGED SHIPMENT: From La Harpe, Ill., by the La Harpe Creamery Co. The product was shipped on or about September 3, 1945, and the circulars were shipped during the summer of 1944.

PRODUCT: 8 50-pound pails, 2 barrels, and 11 kegs of condensed buttermilk emulsion, and 3 circulars entitled "C. B. E. the Quick Way to Profit," at Burlington, Iowa. Analysis showed that the product contained less protein than declared on its label.

LABEL, IN PART: "C. B. E. (Condensed Buttermilk Emulsions) Analysis Protein, not less than 9.0% [or "Protein, not less than 11.0%"] * * * Ingredients: Condensed Buttermilk, Whey, Wheat Germ, Cod Liver Oil."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Protein, not less than 9.0%" and "Protein, not less than 11.0%" were false and

misleading since the article did not contain the stated amount of protein; and certain statements in the circulars were false and misleading since they represented and suggested that the article would be effective to insure healthy, profitable poultry, to increase egg production, and to correct or prevent necro in swine, whereas the article would not be effective for those purposes.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1748.

DISPOSITION: January 3, 1946. No claimant having appeared, judgment of condemnation was entered and the product and circulars were ordered destroyed.

FISH AND SHELLFISH

10787. Adulteration of frozen hake fillets. U. S. v. 373 Boxes * * *. (F. D. C. No. 18727. Sample No. 16164–H.)

LIBEL FILED: January 7, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 20, 1945, by the East Tennessee Packing Co., from Knoxville, Tenn.

PRODUCT: 373 15-pound boxes of frozen hake fillets at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: June 11, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10788. Adulteration of frozen rosefish fillets. U. S. v. 394 Cartons * * *. (F. D. C. No. 18470. Sample No. 1052–H.)

LIBEL FILED: On or about December 12, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about October 15, 1945, by Progressive Fish Wharf, Inc., from Gloucester, Mass.

PRODUCT: 394 10-pound cartons of rosefish fillets at Atlanta, Ga.

LABEL, IN PART: "Progressive Quickly Frozen Rosefish Fillets."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasites.

DISPOSITION: January 4, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10789. Adulteration of frozen tullibees. U. S. v. 236 Boxes * * *. (F. D. C. No. 19301. Sample No. 51109–H.)

LIBEL FILED: March 12, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about January 31, 1946, by Keystone Fisheries, Ltd., from Winnipeg, Canada.

PRODUCT: 236 120-pound boxes of frozen tullibees at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: June 24, 1946. No claimant having appeared, judgment was entered ordering that the product be destroyed unless denatured and disposed of as animal feed.

10790. Adulteration of frozen tullibees. U. S. v. 53 Boxes * * * (and 1 other seizure action). (F. D. C. Nos. 19082, 19130. Sample Nos. 19440–H, 38126–H.)

LIBELS FILED: February 6 and 27, 1946, District of Minnesota and Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 28, 1945, and January 16, 1946, by Booth Fisheries Canadian Company, from Winnipeg, Canada.

PRODUCT: 53 76-pound boxes of frozen tullibees at St. Paul, Minn., and 251 24-pound boxes of the same product at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: April 4 and 22, 1946. Booth Fisheries Corporation, claimant of both lots, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for conversion into animal feed, under the supervision of the Federal Security Agency.

10791. Adulteration of frozen tullibees. U. S. v. 48 Boxes * * *. (F. D. C. No. 19120. Sample No. 51101–H.)

LIBEL FILED: February 9, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about November 14, 1945, by Northern Lakes Fisheries Co., Ltd., from Winnipeg, Canada.

PRODUCT: 48 120-pound boxes of frozen tullibees at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: June 4, 1946. No claimant having appeared, judgment was entered ordering the product destroyed unless denatured for use as animal feed, under the supervision of the Food and Drug Administration.

10792. Adulteration of frozen tullibees. U. S. v. 84 Boxes * * *. (F. D. C. No. 19122. Sample No. 15305–H.)

LIBEL FILED: February 11, 1946, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about January 19, 1946, by Selkirk Fisheries, Ltd., from Winnipeg, Manitoba, Canada.

PRODUCT: 84 120-pound boxes of frozen tullibees at Green Bay, Wis.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: April 11, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10793. Adulteration of frozen tullibees. U. S. v. 20 Boxes * * *. (F. D. C. No. 19119. Sample No. 19872–H.)

LIBEL FILED: February 9, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about November 8, 1945, by Selkirk Fisheries, Ltd., from Winnipeg, Canada.

PRODUCT: 20 boxes, each containing 120 pounds, of frozen tullibees at St. Paul, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: April 22, 1946. The Northern Fish Products Co., St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into animal feed, under the supervision of the Food and Drug Administration.

10794. Adulteration of frozen tullibees. U. S. v. 11 Boxes * * *. (F. D. C. No. 19152. Sample No. 51105–H.)

LIBEL FILED: February 16, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about November 4, 1945, by Selkirk Fisheries, Ltd., from Winnipeg, Canada.

PRODUCT: 11 120-pound boxes of frozen tullibees at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: June 4, 1946. No claimant having appeared, judgment was entered ordering the product destroyed unless denatured for use as animal feed, under the supervision of the Food and Drug Administration.

10795. Adulteration of canned sardines. U. S. v. 793 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 18935, 18946, 19314. Sample Nos. 8336–H, 14461–H, 52901–H.)

LIBELS FILED: January 9, February 1, and March 7, 1946, District of New Jersey and Northern and Southern District of Ohio.

ALLEGED SHIPMENT: On or about November 26 and 28, 1945, by Martinez Food Canners, Inc., from Martinez, Calif.

PRODUCT: Canned sardines. 793 cases at Cleveland, Ohio, 1,200 cases at Jersey City, N. J., and 146 cases at Dayton, Ohio. Each case contained 48 15-ounce cans.

LABEL, IN PART: "Seine Brand California Sardines In Tomato Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed sardines.

DISPOSITION: On July 1, 1946, the Martinez Food Canners, Inc., having appeared as claimants, the cases were ordered consolidated and removed to the Southern District of California for trial. On May 7, 1947, the case was tried before the court, and on May 19, 1947, the court entered judgment ordering that the product be condemned and destroyed.

10796. Adulteration of frozen clams. U. S. v. 35 Cases * * * (and 4 other seizure actions). (F. D. C. Nos. 19154, 19271, 19294, 19295, 19639. Sample Nos. 29198–H, 37478–H, 45547–H, 45548–H, 46107–H, 46108–H.)

LIBELS FILED: February 20, March 2, and April 18, 1946, Northern District of California.

ALLEGED SHIPMENT: Between the approximate dates of April 26, 1945, and April 2, 1946, by the Haines Oyster Co., from Seattle, Wash.

PRODUCT: 4 lots consisting of 224 cases of frozen clams at San Francisco and 1 lot of 2 cases of the same product at Richmond, Calif.

LABEL, IN PART: (Portion of product) "Frozen Butter Clams Packed By Alaskan Glacier Sea Food Company, Petersburg, Alaska."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product consisted in whole or in part of a poisonous and deleterious substance, *Gonyaulax* toxin, which may have rendered the article injurious to health.

DISPOSITION: On May 28, 1946, no claimant having appeared for the Richmond lot, judgment of condemnation was entered and the product was ordered destroyed. On August 9, 1946, the Haines Oyster Co. having appeared as claimant for the San Francisco lots, and the cases having been consolidated, judgment of condemnation was entered. It was ordered by the court that a maximum of 1,000 pounds of the product be released under bond for processing, with the purpose of determining whether it might be rendered fit for human consumption, under the supervision of the Federal Security Agency. Jurisdiction over the remainder of the product was retained by the court.

10797. Adulteration of frozen clams. U. S. v. 14 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 19138, 19296. Sample Nos. 37447–H, 46105–H.)

LIBELS FILED: February 13 and March 2, 1946, Western District of Washington and Northern District of California.

ALLEGED SHIPMENT: On or about July 1, 1945, and January 4, 1946, by the Sebastian Stuart Fish Co., from Tyee, Alaska, and Seattle, Wash.

PRODUCT: 14 cases, containing a total of 5,650 pounds, of frozen clams at Seattle, Wash., and 43 cases, each containing 53 pounds, of the same product at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained a poisonous and deleterious substance, *Gonyaulax* toxin, which may have rendered the article injurious to health.

DISPOSITION: April 2 and 29, 1946. The Sebastian Stuart Fish Co., Seattle, Wash., and Bryce Florence, San Francisco, Calif., claimants for the Washington and California lots, respectively, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for denaturing and converting into crab bait, under the supervision of the Federal Security Agency.

10798. Adulteration of oysters. U. S. v. 100 Cans * * *. (F. D. C. No. 18638. Sample No. 4777–H.)

LIBEL FILED: December 10, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 3, 1945, by Port Norris Oyster Co., Inc., from Port Norris, N. J.

PRODUCT: 100 1-pint cans of oysters.

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), the article contained added water.

DISPOSITION: December 10, 1945. Port Norris Oyster Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law by the draining off of excess water, under the supervision of the Food and Drug Administration.

10799. Adulteration of frozen shrimp. U. S. v. 360 Cakes * * *. (F. D. C. No. 18414. Sample No. 4774–H.)

LIBEL FILED: November 20, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about September 2, 1945, by the Seaboard Fish Co., from Baltimore, Md.

PRODUCT: 360 25-pound cakes of frozen shrimp at Seaside Heights, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of putrid and decomposed shrimp.

DISPOSITION: March 8, 1946. The Seaboard Fish Co., claimant, having admitted the allegations of the libel, judgment was entered providing for the release of the product under bond for segregation of the unfit portion and its conversion into fish bait, under the supervision of the Federal Security Agency.

10800. Adulteration of frozen shrimp. U. S. v. 148 Cakes * * *. (F. D. C. No. 18377. Sample No. 4773–H.)

LIBEL FILED: On or about November 13, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about August 14, 1945, by the Harbor Fish Co., from New York, N. Y.

PRODUCT: 148 cakes, averaging 25 pounds each, of frozen shrimp at Seaside Heights, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a putrid and decomposed substance.

DISPOSITION: December 18, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10801. Adulteration of frozen shrimp. U. S. v. 168 Cases * * *. (F. D. C. No. 18008. Sample No. 10654–H.)

LIBEL FILED: October 19, 1945, Western District of New York.

ALLEGED SHIPMENT: On or about September 19, 1945, by Greiner's Foods, from New Orleans, La.

PRODUCT: 168 cases, each containing 24 12-ounce cans, of frozen shrimp at Buffalo, N. Y.

LABEL, IN PART: "Susan Brand Fresh Cooked and Peeled Shrimp * * * Packed by Walter M. Hudson Westwego, La."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: March 4, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUITS AND VEGETABLES*

CANNED, DRIED, AND FROZEN FRUITS

10802. Adulteration and misbranding of diced peaches and pears. U. S. v. 798 Cases * * *. (F. D. C. No. 18095. Sample No. 30011–H.)

LIBEL FILED: November 14, 1945, Territory of Hawaii.

ALLEGED SHIPMENT: On or about September 13, 1945, by Alexander & Baldwin, Ltd., from San Francisco, Calif.

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*See also Nos. 10701–10706.

PRODUCT: 798 cases, each containing 24 1-pound, 13-ounce cans, of diced peaches and pears at Kahului, Maui, T. H. Examination showed that the product was not diced, but chopped and mushy pieces of peaches and pears undergoing active decomposition.

LABEL, IN PART: "Flotill Diced Peaches and Pears in Light Syrup * * * Packed by Flotill Products in Stockton, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (a), the label statement "Diced Peaches and Pears" was false and misleading as applied to an article consisting of chopped and mushy peaches and pears.

DISPOSITION: September 6, 1946. Flotill Products, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the fit portion be segregated, relabeled, repacked, and disposed of under the supervision of the Food and Drug Administration.

10803. Misbranding of canned prunes. U. S. v. 230 Cases * * *. (F. D. C. No. 19395. Sample No. 36808–H.)

LIBEL FILED: April 2, 1946, Eastern District of Washington.

ALLEGED SHIPMENT: On or about January 2, 1946, by the Royal Canning Co., from Silverton, Oreg.

PRODUCT: 230 cases, each containing 24 1-pound, 14-ounce cans, of prunes at Yakima, Wash. Examination showed that the product was not fancy, because of the large number of prunes seriously blemished with gummosis and other unsightly areas.

LABEL, IN PART: "Fancy Grade Reliance Fresh Italian Prunes In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Fancy Grade Fresh Italian Prunes In Heavy Syrup" was false and misleading.

DISPOSITION: May 17, 1946. The Royal Canning Co., claimant, having consented to the entry of a decree, judgment was entered ordering the product released under bond to be relabeled under the supervision of the Food and Drug Administration.

10804. Misbranding of canned fruit cocktail. U. S. v. 98 Cases * * *. (F. D. C. No. 18662. Sample No. 46608–H.)

LIBEL FILED: January 8, 1946, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about November 7, 1945, by the Drew Canning Co., from Alameda, Calif.

PRODUCT: 98 cases, each containing 24 1-pound, 13-ounce cans, of fruit cocktail at Charleston, S. C.

LABEL, IN PART: "Drew Fruit Cocktail in Light Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard for canned fruit cocktail since, in the mixture of drained fruit, the article contained more than 50 percent by weight of pitted, peeled, and diced peaches, and less than 25 percent by weight of peeled, cored, and diced pears; and, Section 403 (a), the label vignette of an individual serving of fruit cocktail containing three halves of maraschino cherries, or about 12 percent of the fruit in the serving, was false and misleading since the article contained only about 2 percent of maraschino cherries.

DISPOSITION: February 28, 1946. I. M. Pearlstine and Sons, Charleston, S. C., claimant, having admitted that the product was misbranded, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled in compliance with the law, under the supervision of the Food and Drug Administration.

10805. Misbranding of canned fruit cocktail. U. S. v. 98 Cases * * *. (F. D. C. No. 18345. Sample No. 30782–H.)

LIBEL FILED: November 7, 1945, District of Nebraska.

ALLEGED SHIPMENT: On or about October 13, 1945, by National Retailer-Owned Grocers, Inc., from Oakland, Calif.

PRODUCT: 98 cases, each containing 24 1-pound, 13-ounce cans, of fruit cocktail at Omaha, Nebr.

LABEL, IN PART: "Drew Fruit Cocktail in Light Syrup * * * Packed By Drew Canning Co. Campbell, Santa Clara County, California [vignette of cherries in individual serving]."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned fruit cocktail. The regulations require that canned fruit cocktail contain not more than 50 percent by weight of pitted, peeled, and diced peaches, and not less than 25 percent by weight of peeled, cored, and diced pears (together with specified quantities of grapes, pineapple, and cherries). The article contained a larger percentage of peaches and a smaller percentage of pears than required by the regulations.

Further misbranding, Section 403 (a), the vignette on the label depicting an individual serving of fruit cocktail containing three halves of maraschino cherries, or about 12 percent of the fruit in the serving, was false and misleading since the article contained only about 2 percent of maraschino cherries.

DISPOSITION: December 31, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

10806. Adulteration of dried figs. U. S. v. Clara Val Packing Co. Plea of nolo contendere. Fine, $150. (F. D. C. No. 19026. Sample Nos. 3102–H, 27646–H, 28736–H.)

INFORMATION FILED: February 13, 1946, Northern District of California, against the Clara Val Packing Co., a partnership, Morgan Hill, Calif.

ALLEGED SHIPMENT: On or about March 20 and 31, 1945, from the State of California into the States of Maryland and Washington.

LABEL, IN PART: "Clara-Val * * * Figs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect and worm fragments, rodent excreta, rodent hairs, cat hairs, and feather fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 18, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $50 on each count, a total fine of $150.

10807. Adulteration of raisins. U. S. v. 474 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 18955 to 18957, incl. Sample Nos. 41818–H to 41820–H, incl.)

LIBEL FILED: On or about January 14, 1946, Eastern, Northern, and Middle Districts of North Carolina.

ALLEGED SHIPMENT: On or about October 24, 1945, by the El Mar Packing Co., Fresno, Calif.

PRODUCT: 474 cases at Durham, N. C., 288 cases at Sanford, N. C., and 957 cases at Wilmington, N. C., each case containing 20 pounds of raisins.

LABEL, IN PART: "Cal Ray Brand Three Crown Muscat Layer Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested and fermented raisins.

DISPOSITION: February 5, 1946. The cases having been consolidated in the Eastern District of North Carolina, and the El Mar Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration.

10808. Adulteration of raisins. U. S. v. 130 Cartons * * *. (F. D. C. No. 18562. Sample No. 36688–H.)

LIBEL FILED: December 13, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about September 28, 1945, from Fresno, Calif.

PRODUCT: 130 30-pound cartons of raisins at Seattle, Wash., in possession of the Standard Warehouse. The product was stored under insanitary conditions after shipment. Some of the cartons were rodent-gnawed, and rodent pellets were observed on and in the cartons. Examination showed that the product contained rodent pellets and rodent hairs.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 4, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10809. Adulteration of raisins and prunes. U. S. v. 2,700 Cartons * * * (and 3 other seizure actions). (F. D. C. Nos. 19012, 19176, 20883, 21333. Sample Nos. 8343–H, 8347–H to 8349–H, incl., 9856–H, 53091–H.)

LIBELS FILED: January 28, February 11, September 16, and October 18, 1946, District of New Jersey, Western District of New York, and Northern District of Ohio.

ALLEGED SHIPMENT: Between the approximate dates of October 30, 1945, and June 7, 1946, by Rosenberg Brothers & Co., from Fresno, Oakland, and San Francisco, Calif.

PRODUCT: 9,727 30-pound cartons of raisins at Jersey City, N. J., 14 30-pound cartons of raisins at Toledo, Ohio, and 65 25-pound boxes of prunes at Olean, N. Y. Examination showed that the lots of raisins at Jersey City contained dirty and moldy raisins and that the prunes and the lot of raisins at Toledo were insect-infested.

LABEL, IN PART: "Iris Brand Soda Dipped Seedless Thompson Raisins," "Jobbers Special Brand California Thompson Seedless Raisins," or "Shurfine Brand Santa Clara Prunes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of a filthy substance, and a portion consisted of a decomposed substance.

DISPOSITION: June 14, October 14, and November 19, 1946. Rosenberg Brothers & Co., claimant for the New Jersey lots of raisins, having admitted the allegations of the libels, and no claimant having appeared for the Toledo lot of raisins and the lot of prunes, judgments of condemnation were entered. It was ordered that the New Jersey lots of raisins be released under bond, conditioned that they be used in the manufacture of distilled spirits, under the supervision of the Food and Drug Administration. The raisins at Toledo and the prunes at Olean were ordered destroyed.

10810. Adulteration of frozen blueberries. U. S. v. 759 Boxes * * *. (F. D. C. No. 18226. Sample No. 8122–H.)

LIBEL FILED: October 26, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about September 17, 1945, by the Mitchell Pacific Produce Co., from Toronto, Canada.

PRODUCT: 759 22-pound boxes of frozen blueberries at Newark, N. J. Examination of the product showed the presence of moldy berries.

LABEL, IN PART: "Quebec Blueberries Product of Canada * * * Gravel & Fils."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: March 22, 1946. The shipper having withdrawn its claim, and no other claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10811. Adulteration and misbranding of frozen strawberry topping. U. S. v. 6 Cases * * *. (F. D. C. No. 18083. Sample No. 10957–H.)

LIBEL FILED: November 14, 1945, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 25, 1945, by Sky Brothers, from Newark, N. J.

PRODUCT: 6 cases, each containing 48 1-pound packages, of frozen strawberry topping at Altoona, Pa. The product was in part decomposed and was short-weight.

LABEL, IN PART: "Frozen Fresh Skibo Strawberry Topping * * * Contents 16 Oz. Net Wt."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: February 27, 1946. No claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable institution, for use as hog feed, but that if no charitable institution wanted it, the product was to be destroyed. The product was destroyed.

VEGETABLES AND VEGETABLE PRODUCTS*

10812. Adulteration of carob beans. U. S. v. 10 Bags * * * (and 2 other seizure actions). (F. D. C. Nos. 19055, 19210, 19568. Sample Nos. 3582–H, 14863–H, 39604–H.)

LIBELS FILED: February 13 and 14 and April 8, 1946, District of Maryland and Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 29, 1945, and January 3, 1946, by H. Schoenfeld and Sons, from Camden Station, Md., and New York, N. Y.

PRODUCT: 17 bags at Chicago, Ill., and 38 bags at Baltimore, Md., each bag containing approximately 113 pounds of carob beans.

LABEL, IN PART: "Spyropoulos * * * Product of Cyprus."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worm-eaten carob beans, larvae, insect excreta, insects, and insect parts.

DISPOSITION: May 14 and June 10 and 11, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10813. Adulteration of dried beans. U. S. v. 175 Bags * * *. (F. D. C. No. 19090. Sample No. 34902–H.)

LIBEL FILED: February 9, 1946, Western District of Missouri.

ALLEGED SHIPMENT: On or about October 9, 1945, from Bayard, Nebr.

PRODUCT: 175 100-pound bags of dried beans at Boonville, Mo., in possession of the Shryack-Givens Grocery Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta was observed on them. Examination showed that the product contained rodent excreta.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 19, 1946. The Shryack-Givens Grocery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

10814. Misbranding of canned cut green beans. U. S. v. 107 Cases * * *. (F. D. C. No. 18493. Sample No. 37911–H.)

LIBEL FILED: December 7, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about October 4, 1945, by the California Packing Corporation, from Salem, Oreg.

PRODUCT: 107 cases, each containing 24 1-pound, 3-ounce cans, of cut green beans at Seattle, Wash.

LABEL, IN PART: "Tip Top Cut Green Beans."

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*See also No. 10724.

NATURE OF CHARGE: Misbranding, Section 403 (a), the vignette of a dish containing middle cuts of green beans and the term "Cut Green Beans" were misleading as applied to a byproduct consisting mainly of end cuts and tips of string beans.

DISPOSITION: October 7, 1946. The California Packing Corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

10815. Adulteration of canned beans with pork and tomato sauce. U. S. v. 342 Cases * * *. (F. D. C. No. 18218. Sample No. 12429–H.)

LIBEL FILED: October 25, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about June 13, 1945, by the Sweet Life Food Corporation, from Baltimore, Md.

PRODUCT: 342 cases, each containing 24 1-pound, 14-ounce cans, of beans with pork and tomato sauce.

LABEL, IN PART: "Gibbs Beans with Pork and Tomato Sauce * * * Packed by Gibbs & Co., Inc., Baltimore, Md., U. S. A."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: March 11, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10816. Adulteration of frozen corn. U. S. v. 795 Cases * * *. (F. D. C. No. 18912. Sample No. 37436–H.)

LIBEL FILED: January 28, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about December 18, 1945, by the Monmouth Products Co., from Jersey City., N. J.

PRODUCT: 795 cases, each containing 22 2½-pound packages, of frozen corn at Seattle, Wash. Examination showed that the product was sour.

LABEL, IN PART: "Monmouth House Frosted Foods."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: July 13, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal prison, to be used for animal feed.

10817. Adulteration of cucumber chips and cucumber pickles. U. S. v. 21 Cartons, etc. (F. D. C. No. 19092. Sample No. 3935–H.)

LIBEL FILED: February 8, 1946, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 25, 1945, by Cosmo Salads, Inc., from Brooklyn, N. Y.

PRODUCT: 21 cartons, each containing 12 1-quart jars, of cucumber chips and 12 cartons, each containing 12 1-quart jars, of cucumber pickles at Lansford, Pa. Examination showed that the products had undergone spoilage.

LABEL, IN PART: "Cosmo Kosher Style Cucumber Chips [or "Pickles"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed substances.

DISPOSITION: April 22, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

Nos. 10818 to 10823 report actions involving canned peas that purported to be a food for which a standard of quality has been prescribed by law, but the quality was charged to fall below the standard because of higher alcohol-insoluble solids than the maximum permitted by the standard, and the labels failed to bear, in the manner and form that the regulations specify, a statement that the product was below the standard.

10818. Misbranding of canned peas. U. S. v. 1,731 Cases * * *. (F. D. C. No. 19160. Sample Nos. 14116–H, 14131–H.)

LIBEL FILED: February 1, 1946, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about August 14, 1945, by the Waupun Canning Co., from Waupun, Wis.

PRODUCT: 1,731 cases, each containing 24 cans, of peas at Nashville, Tenn. The alcohol-insoluble solids of the peas were more than 23.5 percent, and no written agreement existed between the shipper and the consignee as to the labeling of the product. The packer shipped labels reading in part "Early June Peas" in the same car with the peas.

LABEL, IN PART: (Carton) "Alaska Peas Unlabeled."

NATURE OF CHARGE: Misbranding, Section 403 (e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (g) (2), it was represented as canned peas, for which a definition and standard of identity has been prescribed by the regulations, and its label failed to bear, as required, the name of the food specified in the definition and standard; and, Section 403 (h) (1), the article fell below the standard of quality.

DISPOSITION: February 25, 1946. The Waupun Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

10819. Misbranding of canned peas. U. S. v. 45 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 18940, 19448, 19449. Sample Nos. 5025–H, 59623–H, 59624–H.)

LIBELS FILED: January 5 and March 20, 1946, Eastern and Western Districts of Pennsylvania.

ALLEGED SHIPMENT: On or about October 9 and November 16 and 19, 1945, by Stokely-Van Camp, Inc., from Norwalk, Ohio, and Trenton, N. J.

PRODUCT: 45 cases at Philadelphia, Pa., 399 cases at Uniontown, Pa., and 500 cases at West Brownsville, Pa. Each case contained 24 1-pound, 4-ounce cans, of peas.

LABEL, IN PART: "Glen Valley Brand Sifted Early June Peas * * * Distributed by Jeffersonville Packing Co., Inc., Indianapolis, Ind.," or "Our Favorite Brand Early June Peas * * * Distributed by Fame Canning Company, Inc., * * * Indianapolis, Ind."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: March 28 and April 3 and 8, 1946. Stokely-Van Camp, Inc., claimant for the West Brownsville and Uniontown lots, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration. No claimant having appeared for the Philadelphia lot, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

10820. Misbranding of canned peas. U. S. v. 481 Cases * * *. (F. D. C. No. 18356. Sample No. 24901–H.)

LIBEL FILED: November 9, 1945, Eastern District of Texas.

ALLEGED SHIPMENT: On or about July 18, 1945, by the Fall River Canning Co., from Janesville, Wis.

PRODUCT: 481 cases, each containing 24 cans, of peas at Beaumont, Tex. The product was shipped unlabeled, and no written agreement existed between the shipper and the consignee as to its labeling. It was invoiced as standard peas.

NATURE OF CHARGE: Misbranding, Section 403 (e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (g) (2), it failed to bear a label containing the common or usual name of the optional ingredient, as required by the definition and standard of identity; and, Section 403 (h) (1), it failed to conform to the standard of quality because of high alcohol-insoluble solids, and it was not labeled to indicate that fact.

DISPOSITION: March 28, 1946. The Schuhmacher Co., Houston, Tex., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

10821. Misbranding of canned peas. U. S. v. 306 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 18914, 19462. Sample Nos. 14278–H, 52841–H.)

LIBELS FILED: January 25 and April 1, 1946, Southern District of Ohio and Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about August 21 and 27, 1945, by the J. B. Inderrieden Co., from Hampshire, Ill.

PRODUCT: Canned peas. 306 cases at Cincinnati, Ohio, and 119 cases at Somerset, Ky. Each case contained 24 1-pound, 4-ounce cans.

LABEL, IN PART: "Meadow Lark * * * Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: April 3 and May 1, 1946. The J. B. Inderrieden Co. having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

10822. Misbranding of canned peas. U. S. v. 256 Cases * * *. (F. D. C. No. 19004. Sample No. 52547–H.)

LIBEL FILED: January 24, 1946, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about August 21, 1945, by the J. B. Inderrieden Co., from Hampshire, Ill.

PRODUCT: 256 cases, each containing 24 1-pound, 4-ounce cans, of peas at Covington, Ky.

LABEL, IN PART: "Meadow Lark * * * Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was substandard.

DISPOSITION: April 29, 1946. The J. B. Inderrieden Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

10823. Misbranding of canned peas. U. S. v. 80 Cases * * *. (F. D. C. No. 18828. Sample No. 52617–H.)

LIBEL FILED: January 9, 1946, Southern District of Indiana.

ALLEGED SHIPMENT: On or about July 2, 1945, by Paulding Packing Co., from Paulding, Ohio.

PRODUCT: 80 cases, each containing 24 22-ounce cans, of peas at Bloomington, Ind.

LABEL, IN PART: "Tru-Rich Garden Run Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), in addition to the high alcohol-insoluble solids content, these peas were below standard because of the high percentage of peas that were not tender.

DISPOSITION: May 8, 1946. Paulding Packing Co. having appeared as claimant, judgment of forfeiture was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

10824. Misbranding of canned peas. U. S. v. 1,747 Cases * * *. (F. D. C. No. 18915. Sample No. 9670–H.)

LIBEL FILED: January 29, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about December 4, 1945, by Herbert A. Nieman and Co., from Thiensville, Wis.

PRODUCT: 1,747 cases, each containing 24 20-ounce cans, of peas at Buffalo, N. Y. This product failed to meet the standard of tenderness prescribed by the regulations since more than 10 percent of the peas were too hard to be crushed by a weight of 2 pounds.

LABEL, IN PART: "Trysom Pod Run Sugar Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard, and its label failed to contain a statement to that effect.

DISPOSITION: May 6, 1946. Herbert A. Nieman and Co., claimant, having filed an answer admitting the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

10825. Adulteration of dill pickles and banana peppers. U. S. v. 507 Cases * * * and 414 Cases * * *. (F. D. C. No. 18099. Sample Nos. 14032–H to 14035–H, incl.)

LIBEL FILED: November 6, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: On or about September 8, 1945, by the Sparks Food Products Co., from Mazomanie, Wis.

PRODUCT: 264 cases, each containing 12 1-quart jars, and 243 cases, each containing 24 1-pint jars, of dill pickles, and 414 cases, each containing 12 1-quart jars, of banana peppers at Cincinnati, Ohio.

LABEL, IN PART: "Sparks * * * Dill Pickles [or "Banana Peppers"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect fragments, sand, and dirt; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: February 19, 1946. The Sparks Food Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the sound portion be segregated and repacked in fresh brine, and that the remainder, including the old brine, be destroyed under the supervision of the Food and Drug Administration.

10826. Adulteration of canned sweet potatoes. U. S. v. 214 Cases * * *. (F. D. C. No. 18478. Sample No. 21265–H.)

LIBEL FILED: On or about November 26, 1945; amended on or about December 17, 1945, Northern District of Oklahoma.

ALLEGED SHIPMENT: On or about August 30, 1945, by the Pelican Lake Oyster and Packing Co., Ltd., from Houma, La.

PRODUCT: 214 cases, each containing 24 1-pound, 14-ounce cans, of sweet potatoes at Tulsa, Okla.

LABEL, IN PART: "Pel-La-Co Brand Sweet Potatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of ants, larva, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 21, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10827. Adulteration of canned spinach. U. S. v. 2,724 Cases * * *. (F. D. C. No. 18416. Sample No. 392–H.)

LIBEL FILED: November 26, 1945, Southern District of Florida.

ALLEGED SHIPMENT: On or about February 20 and 21, 1945, by the Smith Canning Co., from Siloam Springs, Ark.

PRODUCT: 2,724 1-pound, 2-ounce cans, of spinach at Jacksonville, Fla.

LABEL, IN PART: "Iona Spinach * * * Standard Quality Grade C."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of aphids.

DISPOSITION: November 18, 1946. The Great Atlantic & Pacific Tea Co., claimant, having admitted the allegations of the libel, judgment of forfeiture was entered and the product was ordered delivered to a public institution, for use as animal feed.

TOMATOES AND TOMATO PRODUCTS

10828. Adulteration of canned tomatoes. U. S. v. 700 Cases * * *. (F. D. C. No. 18927. Sample No. 35908–H.)

LIBEL FILED: On or about February 19, 1946, Western District of Missouri.

ALLEGED SHIPMENT: On or about October 2, 1945, by the Crawford Canning Co., from Olvey, Ark.

PRODUCT: 700 cases, each containing 6 6-pound, 5-ounce cans, of tomatoes at Kansas City, Mo. Examination showed that the product was undergoing bacterial decomposition.

LABEL, IN PART: "Summer Girl Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: April 2, 1946. The Crawford Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The normal cans were separated from the abnormal cans, and the latter were destroyed.

10829. Adulteration of tomato catsup. U. S. v. 816 Cases * * *. (F. D. C. No. 18820. Sample No. 52557–H.)

LIBEL FILED: January 8, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 12, 1945, by the Lutz Canning Co., Delphi, Ind.

PRODUCT: 816 cases, each containing 6 No. 10 cans, of tomato catsup at Columbus, Ohio. This product contained decomposed tomato material.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: July 25, 1946. No claimant having appeared, judgment was entered ordering the product destroyed.

10830. Adulteration of tomato catsup. U. S. v. 25 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 18813, 18925. Sample Nos. 14335–H, 25015–H.)

LIBELS FILED: January 5 and 29, 1946, Western District of Kentucky and Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about November 2 and 20, 1945, by Vincennes Packing Corporation, from Vincennes, Ind.

PRODUCT: Tomato catsup. 25 cases at Providence, Ky., and 40 cases at Baton Rouge, La., each case containing 24 14-ounce bottles. Examination of the product showed the presence of mold and rot fragments.

LABEL, IN PART: "Alice of Old Vincennes Tomato Catsup," or "Red & White Brand Tomato Catsup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: May 1 and 7, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10831. Adulteration of tomato paste. U. S. v. 600 Cases, etc. (F. D. C. No. 18782. Sample Nos. 5212–H, 5213–H.)

LIBEL FILED: January 3, 1946, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 6, 1945, by Flotill Products, Inc., from Stockton, Calif.

PRODUCT: 600 cases, each containing 96 6-ounce cans, and 198 cases, each containing 6 6-pound, 15-ounce cans, of tomato paste at Harrisburg, Pa.

LABEL, IN PART: "Flotill Pure Tomato Paste," or "Flotta Brand Tomato Paste."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: October 24, 1946. Flotill Products, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration. Segregation was found to be impracticable, and the entire lot was destroyed.

10832. Adulteration of tomato puree. U. S. v. 1,997 Cases * * *. (F. D. C. No. 19023. Sample No. 46033–H.)

LIBEL FILED: February 4, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about December 5, 1945, by Luigi Lotorto, Stockton, Calif.

PRODUCT: 1,997 cases, each containing 24 1-pound, 13-ounce cans, of tomato puree at New York, N. Y.

LABEL, IN PART: "Felice Brand Tomato Puree * * * Packed by Hollister Canning Co. Hollister, California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: August 7, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10833. Adulteration of tomato puree. U. S. v. 100 Cases * * * (and 4 other seizure actions). (F. D. C. Nos. 18861, 19001, 19010, 19147, 19148. Sample Nos. 20848–H, 29511–H, 41822–H, 59607–H, 59609–H.)

LIBELS FILED: Between the approximate dates of January 24, 1946, and February 14, 1946, Western District of Missouri, Eastern District of Virginia, Southern District of New York, and Western District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of November 20 and December 7, 1945, by Ensher, Alexander and Barsoom, Inc., Isleton and Oakland, Calif.

PRODUCT: 100 cases at Kansas City, Mo., 492 cases at Norfolk, Va., 197 cases at New York, N. Y., and 1,047 cases at Pittsburgh, Pa., each case containing 6 6-pound, 9-ounce cans, of tomato puree.

LABEL, IN PART: "E and A Brand Fancy Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: February 14, March 26, and June 25, 1946. The sole intervener in the case instituted at Norfolk having consented to the entry of a decree, and no appearance having been entered in the remaining actions, judgments of condemnation were entered and the product was ordered destroyed.

10834. Adulteration of tomato puree. U. S. v. 813 Cases * * *. (F. D. C. No. 18976. Sample No. 7395–H.)

LIBEL FILED: January 11, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about November 2, 1945, by the Stanislaus Canning Co., from Modesto, Calif.

PRODUCT: 813 cases, each containing 6 No. 10 cans, of tomato puree at Newark, N. J.

LABEL, IN PART: "Suzy Bel Brand Fancy Tomato Puree Net Contents 6 Lb. 9 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: December 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10835. Adulteration of tomato puree. U. S. v. 150 Cases * * *. (F. D. C. No. 19017. Sample No. 7321–H.)

LIBEL FILED: January 29, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about November 2, 1945, by the Stanislaus Canning Co., from Modesto, Calif.

PRODUCT: 150 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree at Newark, N. J.

LABEL, IN PART: "Suzy Bel Brand Fancy Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: December 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10836. Adulteration of tomato puree. U. S. v. 771 Cases * * *. (F. D. C. No. 19172. Sample No. 3267–H.)

LIBEL FILED: February 5, 1946, District of Maryland.

ALLEGED SHIPMENT: On or about November 14, 1945, by the Trieste Importing Co., from New York, N. Y.

PRODUCT: 771 cases, each containing 6 cans, of tomato puree at Baltimore, Md.

LABEL, IN PART: (Cases) "Fancy Tomato Puree," or "Unlabeled Tomato Puree Ex Heavy Packed By Califruit Canning Co. Manteca Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: On November 7, 1946, the Califruit Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed. On November 12, 1946, this order was amended to permit delivery of the product to a public institution, for use as animal feed.

10837. Adulteration of tomato puree. U. S. v. 309 Cases * * *. (F. D. C. No. 18965. Sample No. 8152–H.)

LIBEL FILED: January 10, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about October 25, 1945, by the Califruit Canning Co., From Manteca, Calif.

PRODUCT: 309 cases, each containing 6 cans, of tomato puree at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: December 19, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, to be used for stock feed.

10838. Adulteration of tomato puree. U. S. v. 46 Cases, etc. (F. D. C. No. 18916. Sample Nos. 52440–H to 52442–H, incl.)

LIBEL FILED: January 31, 1946, Southern District of Indiana.

ALLEGED SHIPMENT: Between the approximate dates of November 2 and 30, 1945, by the Eavey Co., from Xenia, Ohio.

PRODUCT: 46 cases, each containing 24 1-pound, 3-ounce cans, 122 cases, each containing 48 10½-ounce cans, and 88 cases, each containing 24 1-pound, 3-ounce cans, of tomato puree at Richmond, Ind. Examination showed that the product contained decomposed tomato material.

LABEL, IN PART: "Ma-Co Tomato Puree * * * Packed by The McCoy Canned Food Company Urbana, Ohio," or "Merrit Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 29, 1946. The sole intervener having consented to the entry of a decree, judgment of forfeiture was entered and the product was ordered destroyed.

10839. Adulteration of tomato puree. U. S. v. 98 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 18996, 19565. Sample Nos. 30745–H, 45561–H.)

LIBELS FILED: January 21 and April 1, 1946, Eastern District of New York and District of Nebraska.

ALLEGED SHIPMENT: On or about December 11, 1945, and March 12, 1946, by the Mor-Pak Preserving Corporation, from Stockton, Calif.

PRODUCT: Tomato puree. 98 cases at Brooklyn, N. Y., and 73 cases at Omaha, Nebr., each case containing 6 6-pound, 8-ounce cans.

LABEL, IN PART: "Blaze O' Gold Tomato Puree Extra Heavy Fancy."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: May 27 and 28, 1946. No claimant having appeared for the Omaha lot, and the claimant for the Brooklyn lot having consented to the entry of a decree, judgments of condemnation were entered and the product was ordered destroyed.

10840. Adulteration of tomato puree. U. S. v. 123 Cases * * *. (F. D. C. No. 18827. Sample No. 46629–H.)

LIBEL FILED: January 17, 1946, District of Montana.

ALLEGED SHIPMENT: On or about December 11, 1945, by the Regent Canfood Co., from San Francisco, Calif.

PRODUCT: 123 cases, each containing 24 1-pound, 12-ounce cans, of tomato puree at Butte, Mont.

LABEL, IN PART: "Redpack Brand Tomato Puree * * * Packed By San Jose Canning Co., San Jose, California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: April 24, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered denatured and delivered to a public institution, for use solely as animal feed.

10841. Adulteration of tomato puree. U. S. v. 91 Cases * * * . (F. D. C. No. 18569. Sample No. 21392–H.)

LIBEL FILED: On or about December 19, 1945, Western District of Missouri.

ALLEGED SHIPMENT: On or about October 25, 1945, by the Excel Wholesale Grocery Co., from Chicago, Ill.

PRODUCT: 91 cases, each containing 48 10-ounce cans, of tomato puree at Kansas City, Mo.

LABEL, IN PART: "Co-Op Tomato Puree Condensed Strained Tomatoes * * * Distributed by National Cooperatives Inc. Chicago, Illinois."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: February 6, 1946. No claimant having appeared, judgment was entered ordering that the product be destroyed.

10842. Adulteration of tomato puree. U. S. v. 5 Cases * * *. (F. D. C. No. 19011. Sample No. 14280–H.)

LIBEL FILED: January 28, 1946, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about January 15, 1946, by Albers Super Markets, Inc., from Cincinnati, Ohio.

PRODUCT: 5 cases, each containing 48 10½-ounce cans, of tomato puree at Newport, Ky.

LABEL, IN PART: "Double AA Brand Tomato Puree * * * The Beckman and Gast Canning Co., St. Henry, Ohio."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: February 21, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10843. Misbranding of tomato puree. U. S. v. 501 Cases * * *. (F. D. C. No. 18082. Sample No. 24833–H.)

LIBEL FILED: November 5, 1945, Western District of Louisiana.

ALLEGED SHIPMENT: On or about August 17, 1945, by the Carthage Canning Co., Carthage, Tex.

PRODUCT: 501 cases, each containing 48 cans, of tomato puree at Monroe, La.

LABEL, IN PART: (Can) "Pantex Carthage Brand Tomato Puree Made from Whole Tomatoes Contents 10½ Oz. Avoir."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard for tomato puree, since it contained less than 8.37 percent of salt-free tomato solids, the minimum permitted by the definition and standard.

DISPOSITION: February 9, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a State institution, for use as animal feed.

10844. Adulteration of tomato sauce. U. S. v. 2,123 Cases * * *. (F. D. C. Nos. 18623, 18624. Sample Nos. 46611–H, 46612–H.)

LIBEL FILED: December 6, 1945, District of Puerto Rico.

ALLEGED SHIPMENT: On or about November 14, 1945, by Hunt Foods, Inc., from San Francisco, Calif.

PRODUCT: 2,123 cases, each containing 72 8-ounce cans, of tomato sauce at San Juan, Puerto Rico.

LABEL, IN PART: "Hunt's Supreme Quality Fancy Spanish Style Tomato Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: November 16, 1946. Hunt Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and disposed of in accordance with the law, under the supervision of the Federal Security Agency.

10845. Misbranding of tomato mushroom sauce. U. S. v. 35 Cartons * * *. (F. D. C. No. 19174. Sample No. 30612–H.)

LIBEL FILED: February 15, 1946, District of Arizona.

ALLEGED SHIPMENT: On or about September 28, 1945, by the California Warehouse Co., from Los Angeles, Calif.

PRODUCT: 35 cartons, each containing 48 7½-ounce cans, of tomato mushroom sauce at Phoenix, Ariz.

LABEL, IN PART: "Santa Maria Brand Tomato Mushroom Sauce."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Tomato Mushroom Sauce" was false and misleading as applied to an article which consisted essentially of an onion-flavored tomato puree containing less than 1 percent of mushrooms.

DISPOSITION: April 25, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10846. Adulteration and misbranding of canned tomato soup. U. S. v. 189 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 18897, 19286, 19837, 20041. Sample Nos. 14387–H, 38968–H, 41724–H, 52851–H.)

LIBELS FILED: On or about January 31, March 4, and May 7 and 28, 1946, Southern District of West Virginia, Western District of Kentucky, Southern District of Ohio, and Western District of Michigan.

ALLEGED SHIPMENT: Between the approximate dates of September 6 and October 23, 1945, by the Morgan Packing Co., from Austin, Ind.

PRODUCT: Tomato soup. 9 cases at Huntington, W. Va., 40 cases at Burkesville, Ky., 32 cases at Athens, Ohio, and 195 cases at Grand Rapids, Mich., each case containing 48 small or 24 large cans. All of the product was labeled tomato soup, but a portion of the lot seized at Huntington consisted of vegetable soup. The tomato soup contained decomposed tomato material.

LABEL, IN PART: "Jackson Brand Condensed Tomato Soup Net Weight 10½ Ounces [or "Contents 1 Lb. 4 Oz."]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (tomato soup) the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (a), (vegetable soup) the label statement "Condensed Tomato Soup" was false and misleading since the product was vegetable soup.

DISPOSITION: March 18, June 3 and 19, and July 16, 1946. No claimant having appeared, judgments of condemnation were entered and one lot was ordered delivered to a county institution, for use as animal feed, and the remaining lots were ordered destroyed.

NUTS AND NUT PRODUCTS

10847. Adulteration of nuts. U. S. v. Reliable Nut Company. Plea of nolo contendere. Fine, $100 on count 1; sentence suspended on counts 2 and 3, and defendant placed on 2 years' probation. (F. D. C. No. 17785. Sample Nos. 30820–H, 30822–H, 31018–H.)

INFORMATION FILED: February 13, 1946, Southern District of California, against the Reliable Nut Company, a partnership, Los Angeles, Calif.

ALLEGED SHIPMENT: On or about February 7, 8, and 20, 1945, from the State of California into the States of Oregon and Utah.

LABEL, IN PART: "Giant Virginia Delicious Salted Nuts * * * Royal Seal Nut Shop," or "Royal Seal Fancy Salted [or "Toasted Candy Covered"] Peanuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent and other hairs and dirt; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 11, 1946. A plea of nolo contendere having been entered, the defendant was fined $100 on count 1. Imposition of sentence on the remaining 2 counts was suspended for a concurrent period of 2 years, conditioned that during this period the defendant should not further violate the laws of the United States.

10848. Adulteration of cashew nuts. U. S. v. 7 Cans * * *. (F. D. C. No. 19135. Sample No. 14474–H.)

LIBEL FILED: February 14, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about December 7, 1945, by William A. Higgins and Co., from New York, N. Y.

PRODUCT: 7 25-pound cans of cashew nuts at Cleveland, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested nuts.

DISPOSITION: March 6, 1946. William A. Higgins and Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law by cleaning under the supervision of the Food and Drug Administration. The decree provided further that unless the product were properly cleaned, it was to be disposed of for purposes other than human consumption or destroyed.

10849. Adulteration of peanuts. U. S. v. 204 Bags, etc. (and 1 other seizure action). (F. D. C. Nos. 19505, 20086. Sample Nos. 1256–H, 1257–H, 51512–H, 51513–H.)

LIBELS FILED: April 15 and June 11, 1946, Northern Districts of Georgia and Iowa.

ALLEGED SHIPMENT: Between the approximate dates of January 1 and February 18, 1946, by the Headland Peanut Co., from Headland, Ala.

PRODUCT: 604 125-pound bags of peanuts at Atlanta, Ga., and 800 125-pound bags of peanuts at Sioux City, Iowa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rancid, moldy, and decomposed peanuts.

DISPOSITION: April 29 and July 2, 1946. The Georgia Peanut Co., Moultrie, Ga., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the Sioux City lot be converted into oil and meal.

The bond filed with respect to the Atlanta lot was conditioned upon the separation of the unfit portion of the product from the fit portion, under the supervision of the Food and Durg Administration. This separation having been unsuccessful, the entire lot of peanuts was crushed and manufactured into crude oil and cake for use as animal feed.

10850. Adulteration of shelled peanuts. U. S. v. 362 Bags * * *. (F. D. C. No. 19459. Sample No. 8727–H.)

LIBEL FILED: March 26, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about February 13, 1946, by R. L. Hutto and Sons, from Ariton, Ala.

PRODUCT: 362 120-pound bags of shelled peanuts at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rancid, moldy, and decomposed peanuts.

DISPOSITION: April 12, 1946. The Phil Silvershein Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the fit portion be separated from the unfit, under the supervision of the Food and Drug Administration, and that the latter be denatured and disposed of as animal feed or for the purpose of pressing out and refining the oil.

10851. Adulteration of shelled peanuts. U. S. v. 207 Bags * * *. (F. D. C. No. 18878. Sample Nos. 37427–H, 37428–H.)

LIBEL FILED: January 18, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about May 17, 1945, by the Suffolk Peanut Co., from Suffolk, Va.

PRODUCT: 207 bags of shelled peanuts at Tacoma, Wash.

LABEL, IN PART: "No. 1 [or "Medium"] Virginia Shelled Peanuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect-damaged peanuts.

DISPOSITION: April 5, 1946. Fisher Nut Products, Inc., Tacoma, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency.

10852. Adulteration of shelled roasted peanuts. U. S. v. 9 Boxes * * *. (F. D. C. No. 19141. Sample No. 35170–H.)

LIBEL FILED: February 15, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 16, 1945, by the Perry Co., from Camilla, Ga.

PRODUCT: 9 45-pound boxes of shelled roasted peanuts at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance.

DISPOSITION: March 21, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to be denatured, and that such other safeguards be adopted against its use for human consumption as might be directed by the Federal Security Agency.

10853. Adulteration of peanuts, mixed nuts, almonds, and pecans. U. S. v. 30½ Cases, etc. (F. D. C. No. 19144. Sample Nos. 44511–H to 44514–H, incl., 44516–H.)

LIBEL FILED: February 21, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about January 5, 1946, by the Morris Rosenberg Co., from Los Angeles, Calif.

PRODUCT: 30½ cases of peanuts, 6 cases of mixed nuts, 4 cases of almonds, and 6 cases of pecans at Seattle, Wash. Each full case of the peanuts contained 24 tins of peanuts, and each case of the other nuts contained 12 tins of nuts.

LABEL, IN PART: "Rose Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 31, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to a Federal prison.

10854. Adulteration of pecans. U. S. v. 5 Cases * * *. (F. D. C. No. 19491. Sample No. 1182–H.)

LIBEL FILED: April 2, 1946, Western District of North Carolina.

ALLEGED SHIPMENT: On or about February 4, 1946, by the C. S. Carter Shelling Plant, from Camilla, Ga.

PRODUCT: 5 cases, each containing 6 5-pound boxes, of pecans at Statesville, N. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and *E. coli*.

DISPOSITION: April 27, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10855. Adulteration of shelled pecans. U. S. v. 8 Cartons * * *. (F. D. C. No. 18093. Sample No. 21922–H.)

LIBEL FILED: November 20. 1945, Western District of Tennessee.

ALLEGED SHIPMENT: On or about September 19, 1945, by the Bateman Pecan Co., from Memphis, Tenn., to Chicago, Ill. This shipment was returned to Memphis on or about October 2, 1945.

PRODUCT: 8 60-pound cartons of shelled pecans at Memphis, Tenn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rancid pecan meats.

DISPOSITION: February 1, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, conditioned that it be converted into a product to be used for purposes other than human consumption, under the supervision of the Federal Security Agency.

10856. Adulteration of shelled pecans. U. S. v. 5 Cartons * * *. (F. D. C. No. 19117. Sample No. 38931–H.)

LIBEL FILED: February 21, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about December 6, 1945, by the Calhoun Pecan Co., from St. Matthews, S. C.

PRODUCT: 5 55-pound cartons of shelled pecans at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rancid nut meats, and it was otherwise unfit for food by reason of the presence of black-spotted pecan kernels.

DISPOSITION: September 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

10857. Adulteration of black walnut meats. U. S. v. 19 Cartons * * * (and 4 other seizure actions). (F. D. C. Nos. 18936, 18937, 19282, 19283, 19342. Sample Nos. 23384–H, 47078–H, 47211–H, 47293–H, 52623–H.)

LIBELS FILED: February 5 and 6 and March 7, 11, and 27, 1946, District of Colorado, Eastern District of Missouri, and Southern District of Indiana.

ALLEGED SHIPMENT: Between the approximate dates of December 19, 1945, and January 12, 1946, by the Gravette Shelling Co., from Gravette, Ark., and Kansas City, Mo.

PRODUCT: Black walnut meats. 62 cartons at Denver, Colo., 172 cartons at St. Louis, Mo., and 6 cartons at Indianapolis, Ind., each carton containing 30 pounds. Examination showed that the product contained *E. coli*, an organism which indicates pollution of fecal origin, and, consequently, that it was contaminated with filth.

LABEL, IN PART: "Ozarks' Best Brand Black Walnut Meats," or "Large Black Walnuts Pasteurized Ozarks' Best Brand Black Walnut Meats."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: April 5 and 30, 1946. No claimant having appeared for the Indianapolis lot, and the Gravette Shelling Co., Gravette, Ark., having appeared as claimant for the other lots, and having consented to the entry of decrees, judgments of condemnation were entered. The Indianapolis lot of the product was ordered destroyed, and the other lots were ordered released under bond for the purpose of washing, pasteurizing, and sterilizing, under the supervision of the Federal Security Agency.

10858. Adulteration of black walnut meats. U. S. v. 12 Cartons * * * (and 2 other seizure actions). (F. D. C. Nos. 19167, 19240, 19241. Sample Nos. 5305–H, 7231–H, 65002–H.)

LIBELS FILED: February 4, 25, and 26, 1946, Eastern Districts of Pennsylvania and New York.

ALLEGED SHIPMENT: On or about December 17 and 31, 1945, and January 3, 1946, by the Lefkovits-Fleisman Co., from Nashville, Tenn.

PRODUCT: 17 50-pound cartons of black walnut meats at Philadelphia, Pa., and 27 50-pound cartons of the same product at Brooklyn, N. Y.

LABEL, IN PART: "Best Quality Black Walnut Kernels 'Tennessee Topps'."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of *E. coli*.

DISPOSITION: On April 11, 1946, no claimant having appeared for the Philadelphia lots, judgments of condemnation were entered and the product was ordered destroyed. On April 5, 1946, Mitchel Beck Co., Inc., claimant for the Brooklyn lot, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for cleaning and pasteurizing and for the removing of all objectionable substances, under the supervision of the Federal Security Agency.

10859. Adulteration of black walnut meats. U. S. v. 16 Cases * * *. (F. D. C. Nos. 19155, 19156. Sample Nos. 15001–H, 18100–H.)

LIBELS FILED: February 27, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 14 and December 1, 1945, by the Block Produce Co., from Burnside, Ky.

PRODUCT: 25 50-pound cartons of black walnut meats at Chicago, Ill.

LABEL, IN PART: "Southern Bell Black Walnut Kernels [or "Black Walnuts"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 19, 1946. S. S. Block, claimant, having admitted the allegations of the libels, and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

10860. Adulteration of black walnut meats. U. S. v. 61 Cartons * * *. (F. D. C. No. 19166. Sample No. 4666–H.)

LIBEL FILED: February 5, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 14, 1945, by Arthur P. Slaughter, from Bristol, Tenn.

PRODUCT: 61 60-pound cartons of black walnut meats at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of *E. coli*.

DISPOSITION: March 7, 1946. William A. Hertle, Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration.

10861. Adulteration of black walnut meats. U. S. v. 2 Drums * * *. (F. D. C. No. 19165. Sample No. 7229–H.)

LIBEL FILED: February 6, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about November 21, 1945, by Arthur P. Slaughter, from Bristol, Tenn.

PRODUCT: 2 200-pound drums of black walnut meats at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of *E. coli*.

DISPOSITION: April 9, 1946. Arthur P. Slaughter, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be washed, pasteurized, and labeled. It was provided further that if, upon inspection by the Food and Drug Administration, the product or any portion of it was still unfit for human consumption, it was to be destroyed or denatured for use as hog feed.

10862. Adulteration of walnut meats. U. S. v. 23 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 18798, 18832, 19143. Sample Nos. 37403–H, 47417–H, 58901–H.)

LIBELS FILED: January 7 and 16 and February 19, 1946, Western District of Washington and District of Utah.

ALLEGED SHIPMENT: Between the approximate dates of October 27 and December 27, 1945, by Granton and Co., from Los Angeles, Calif.

PRODUCT: Walnut meats. 23 cases at Tacoma, Wash., 106 cases at Seattle, Wash., and 3 cartons at Salt Lake City, Utah, each case or carton containing 25 pounds.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-damaged and infested nuts, and, Seattle lot, of a decomposed substance by reason of the presence of moldy walnut meats.

DISPOSITION: February 21 and March 1 and 26, 1946. Granton and Co., claimant for the Tacoma and Seattle lots, having consented to the entry of decrees, judgments of condemnation were entered and these lots were ordered released under bond to be sorted and segregated under the supervision of the Food and Drug Administration and disposed of in compliance with the law. No claimant having appeared for the Utah lot, judgment was entered ordering that the product be fed to animals, under the supervision of the United States marshal.

10863. Adulteration of walnut pieces. U. S. v. 3 Cartons * * *. (F. D. C. No. 18166. Sample No. 32266–H.)

LIBEL FILED: November 7, 1945, District of Arizona.

ALLEGED SHIPMENT: On or about August 13, 1945, by the American Nut Co., Los Angeles, Calif.

PRODUCT: 3 30-pound cartons of walnut pieces at Phoenix, Ariz.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae and beetles.

DISPOSITION: January 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10864. Adulteration of nut topping. U. S. v. 73 Cases * * *. (F. D. C. No. 19077. Sample No. 23538–H.)

LIBEL FILED: February 4, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 23 and 25, 1943, by the Palmer Pecan Co., from Des Moines, Iowa.

PRODUCT: 73 25-pound cases of nut topping at St. Louis, Mo.

LABEL, IN PART: "Webco * * * Nut Topping."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rancid nut meats.

DISPOSITION: March 8, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold on condition that it be denatured so that it could not be used for human consumption.

10865. Adulteration of peanut spread. U. S. v. 65 Cases * * *. (F. D. C. No. 19346. Sample Nos. 15862–H, 15863–H.)

LIBEL FILED: March 13, 1946, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about March 1, 1945, by the Mosemann Co., from Lancaster, Pa.

PRODUCT: 30 cases, each containing 24 1-pound jars, and 35 cases, each containing 12 2-pound jars, of peanut spread at Dearborn, Mich.

LABEL, IN PART: "Kernel Krush The New Peanut Spread."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of dirt, and it was otherwise unfit for food by reason of the presence of stones and stems.

DISPOSITION: April 8, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, to be used for animal feed.

10866. Adulteration of peanut butter. U. S. v. 168 Cases, etc. (F. D. C. No. 19425. Sample Nos. 32514–H, 32515–H.)

LIBEL FILED: March 27, 1946, District of Arizona.

ALLEGED SHIPMENT: On or about December 28, 1945, by the Morris Rosenberg Co., from Los Angeles, Calif.

PRODUCT: 168 cases, each containing 24 1-pound jars, and 26 cases, each containing 12 1½-pound jars, of peanut butter at Phoenix, Ariz.

LABEL, IN PART: "Four Peaks Peanut Butter * * * General Sales Co. Distributors Phoenix, Arizona."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 10, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10867. Adulteration of peanut butter. U. S. v. 68 Cases * * *. (F. D. C. No. 19298. Sample No. 50913–H.)

LIBEL FILED: March 11, 1946, District of South Dakota.

ALLEGED SHIPMENT: On or about December 18, 1945, by the Sanitary Food Manufacturing Co., St. Paul, Minn.

PRODUCT: 68 cases, each containing 24 1-pound jars, of peanut butter at Watertown, S. Dak.

LABEL, IN PART: "Bel-Dine * * * Peanut Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments.

DISPOSITION: April 16, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10868. Misbranding of peanut butter. U. S. v. 105 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 19224 to 19226, incl. Sample Nos. 41827–H, 41828–H, 41833–H.)

LIBELS FILED: February 23 and 25, 1946, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about December 21, 1945, and January 3 and 4, 1946, by the Old Reliable Peanut Co., Inc., from Suffolk, Va.

PRODUCT: 105 cases, 38 cases, and 42 cases, each containing 24 jars, of peanut butter at Williamston, Washington, and Kinston, N. C. Examination showed that the product was short-weight.

LABEL, IN PART: (Jars) "Old Reliable Peanut Butter Weight 8¾ Ozs. Net."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 21, 1946. The Old Reliable Peanut Co., Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration.

10869. Misbranding of peanut butter. U. S. v. 24 Cases * * *. F. D. C. No. 19446. Sample No. 12698–H.)

LIBEL FILED: On or about March 22, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about February 8, 1946, by the Crescent Nut and Chocolate Co., from Philadelphia, Pa.

PRODUCT: 24 cases, each containing 24 jars, of peanut butter at Boston, Mass. Examination showed that the product was short-weight.

LABEL, IN PART: "Crescent Peanut Butter * * * Net Wt. 1 Lb. Avoir."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: August 6, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

10870. Misbranding of peanut butter. U. S. v. 7 Cases * * *. (F. D. C. No. 19134. Sample No. 14467–H.)

LIBEL FILED: February 1, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about December 18, 1945, by the Peanut Products Co., from Des Moines, Iowa.

PRODUCT: 70 cases, each containing 24 jars, of peanut butter at Cleveland, Ohio. Examination showed that the product was short-weight.

LABEL, IN PART: "Buster Brand Peanut Butter Net Wt. 9 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 25, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

SPICES, FLAVORS, AND SEASONING MATERIALS

10871. Adulteration of celery seed. U. S. v. 286 Bags * * *. (F. D. C. No. 18369. Sample No. 8028–H.)

LIBEL FILED: November 13, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about April 10, 1945, from Hoboken, N. J., by the Otto Gerdau Co.

PRODUCT: 286 bags, each containing 130 pounds, of celery seed at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance, containing rodent excreta, insect fragments, and larvae.

DISPOSITION: January 14, 1946. The Otto Gerdau Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the portion of

the product contaminated with rodent excreta should be denatured for nonhuman food use, or destroyed, and that the remainder of the product should be fumigated and brought into compliance with the law, all under the supervision of the Federal Security Agency.

10872. Adulteration of chili powder. U. S. v. 24 Drums * * *. (F. D. C. No. 19232. Sample No. 43461–H.)

LIBEL FILED: February 21, 1946, District of Maryland.

ALLEGED SHIPMENT: On or about January 14, 1946, by the McClintock-Stern Co., from Los Angeles, Calif.

PRODUCT: 24 drums, each containing 250 pounds, of chili powder at Baltimore, Md.

LABEL, IN PART: "McCormick Chili Powder."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 22, 1946. The McClintock-Stern Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use other than human consumption, under the supervision of the Federal Security Agency.

10873. Adulteration of chili powder. U. S. v. 20 Drums * * *. (F. D. C. No. 19444. Sample No. 44083–H.)

LIBEL FILED: March 15, 1946, District of Maryland.

ALLEGED SHIPMENT: On or about February 27, 1946, by the McClintock-Stern Co., from Los Angeles, Calif.

PRODUCT: 20 drums of chili powder at Baltimore, Md.

LABEL, IN PART: "McCormick Chili Powder."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 22, 1946. The McClintock-Stern Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be denatured under the supervision of the Food and Drug Administration, so that it could not be disposed of for human consumption.

10874. Adulteration of chili powder. U. S. v. 10 Barrels * * *. (F. D. C. No. 17524. Sample No. 31599–H.)

LIBEL FILED: February 25, 1946, Southern District of Texas.

ALLEGED SHIPMENT: On or about January 31, 1946, by the McClintock-Stern Co., from Los Angeles, Calif.

PRODUCT: 10 250-pound barrels of chili powder at Houston, Tex.

LABEL, IN PART: "Claremont Mexican Type–S Chili Powder."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 29, 1947. The sole intervener having withdrawn its claim, judgment of condemnation was entered and the product was ordered destroyed.

10875. Adulteration of whole, fresh, ginger rhizomes. U. S. v. 255 Bags * * *. (F. D. C. No. 18772. Sample No. 46634–H.)

LIBEL FILED: January 3, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about April 12, 1945, by Luis Loo Y Cia, from Matias Romero, Oaxaca, Mex.

PRODUCT: 255 89-pound bags of whole, fresh, ginger rhizomes at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of live insects and mold.

DISPOSITION: March 19, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10876. Adulteration of ground marjoram. U. S. v. 1 Bag * * *. (F. D. C. No. 19109. Sample No. 21581–H.)

LIBEL FILED: February 12, 1946, District of Nebraska.

ALLEGED SHIPMENT: On or about December 28, 1945, by the Kearns and Smith Spice Co., from Chicago, Ill.

PRODUCT: 1 100-pound bag of ground marjoram at Omaha, Nebr.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of sand and dirt.

DISPOSITION: April 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10877. Adulteration of brown mustard seed. U. S. v. 674 Bags * * *. (F. D. C. No. 19274. Sample No. 9926–H.)

LIBEL FILED: March 1, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about April 30, 1945, from Spokane, Wash.

PRODUCT: 674 100-pound bags of brown mustard seed at Buffalo, N. Y., in possession of Terminal and Transportation Warehouse, Merchants Refrigerating Co. Division. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the product contained rodent excreta.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 6, 1946. The Merchants Refrigerating Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

10878. Adulteration of imitation black pepper. U. S. v. 62 Cartons * * *. (F. D. C. No. 19443. Sample Nos. 1368–H, 1369–H.)

LIBEL FILED: March 22, 1946, Southern District of Georgia.

ALLEGED SHIPMENT: On or about July 25 and 31, 1945, by McCormick and Co., Inc., from Baltimore, Md.

PRODUCT: 18 10-pound cartons, 23 6-pound cartons, and 21 5-pound cartons of imitation black pepper at Brunswick, Ga. Examination showed that the product contained beetles and larvae.

LABEL, IN PART: "Banquet Brand Imitation Ground Black Pepper."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: April 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10879. Adulteration of imitation white pepper. U. S. v. 31 Cartons * * *. (F. D. C. No. 18361. Sample No. 948–H.)

LIBEL FILED: On or about November 13, 1945, Southern District of Florida.

ALLEGED SHIPMENT: On or about August 26, 1945, by the Warren Co., from Farmington, Minn.

PRODUCT: 31 cartons, each containing 12 1-pound bags, of imitation white pepper at Miami, Fla.

LABEL, IN PART: "Imitation White Pepper * * * Packed by The Bleecker Company Farmington, Minn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and cast skins.

DISPOSITION: January 14, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

10880. Adulteration of ground, dried red peppers. U. S. v. 298 Barrels * * *. (F. D. C. No. 18504. Sample No. 16145–H.)

LIBEL FILED: December 20, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 4, 1945, by Young and Patterson, from Timmonsville, S. C.

PRODUCT: 298 barrels, each containing 100 pounds, of ground, dried red peppers at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy peppers.

DISPOSITION: September 19, 1946. Young and Patterson, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for conversion into pepper oil, under the supervision of the Federal Security Agency.

10881. Adulteration of poppy seed. U. S. v. 1 Bag * * *. (F. D. C. No. 18350. Sample No. 7304–H.)

LIBEL FILED: On or about November 9, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about June 21, 1945, by A. Gronowitz, Inc., from New York, N. Y.

PRODUCT: 1 bag containing approximately 135 pounds of poppy seed at Elizabeth, N. J. Examination showed that the product was white poppy seeds artificially colored with logwood. The artificially colored white poppy seeds simulated in appearance blue-colored poppy seeds, which have a greater commercial value.

LABEL, IN PART: (Bag) "British India Poppy Seed Artificially Colored with Vegetable Extract."

NATURE OF CHARGE: Adulteration, Section 402 (b) (3), inferiority had been concealed by the addition of logwood, an artificial color; and, Section 402 (b) (4), logwood had been added to the article so as to make it appear better or of greater value than it was.

DISPOSITION: December 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10882. Adulteration and misbranding of Sicilia Flavor and Green Leaf Shade and Grassos coal-tar colors. U. S. v. 1 5-gallon Can, etc. (and 4 other seizure actions). (F. D. C. Nos. 14870, 14882, 15056, 15095, 15098. Sample Nos. 20383–F, 63822–F, 87139–F, 88095–F, 88096–F, 88563–F.)

LIBELS FILED: Between the dates of December 26, 1944, and January 31, 1945, District of Massachusetts, Eastern District of Michigan, Southern District of Florida, and District of Rhode Island.

ALLEGED SHIPMENT: Between the approximate dates of April 22 and December 4, 1944, by David Kleckner and Sons, Inc., from Ozone Park, Long Island, N. Y.

PRODUCT: 7 gallons of Sicilia Flavor and 5 gallons of Green Leaf Shade color at Boston, Mass.; 4 gallons of Green Leaf Shade color at Detroit, Mich.; 1 pound of Grassos color at Tampa, Fla.; and 22 pounds of Green Leaf Shade color at Providence, R. I. These products were coal-tar colors and flavors containing coal-tar colors. With the exception of the "Tipo Grassos," they contained Butter Yellow (Colour Index No. 19), an uncertifiable dye, and D&C Green No. 6, a coal-tar color which cannot be certified for use in foods. The "Tipo Grassos" contained a coal-tar color made by combining aniline with resorcinol, pyrogallol, or hydroquinone. No such color is certifiable under the provisions of the law.

LABEL, IN PART: "Tipo Sicilia Flavor," "Kleckner's Kolor Green Leaf Shade," "Kleckner's Sicilia Ollo Flavor," "Kleckner Olo Green Leaf Shade," or "Kleckner's Tipo Grassos."

NATURE OF CHARGE: Adulteration, Section 402 (c), the articles bore and contained a coal-tar color or colors which have not been listed for use in foods and were other than those certified in accordance with the regulations.

Misbranding, Section 403 (i), the Green Leaf Shade colors were fabricated from 2 or more ingredients, and the labels failed to bear the common or usual name of each ingredient; and, Section 403 (k), the flavors bore and contained artificial flavoring and artificial coloring, and the labeling failed to reveal that fact.

DISPOSITION: On April 11, 1945, the United States district court for the District of Massachusetts ordered that the cases be consolidated and removed to the United States district court for the Southern District of New York. David Kleckner & Sons, Inc., claimant, having withdrawn the answers filed in each of the proceedings and having consented to the entry of a decree on January 14, 1947, judgment of condemnation was entered and the products were ordered destroyed, with the exception of the seizure action against one bottle of Tipo Grassos, in which case, owing to the destruction of the article itself, the proceeding was dismissed without costs.

MISCELLANEOUS FOODS*

10883. Adulteration and misbranding of coal-tar colors. U. S. v. Marion K. Summers (Marion-Kay Products Co.). Plea of nolo contendere. Imposition of sentence suspended; defendant placed on probation for 1 year. (F. D. C. No. 17874. Sample No. 13221–H.)

INFORMATION FILED: June 12, 1946, Eastern District of Missouri, against Marion K. Summers, trading as the Marion-Kay Products Co., St. Louis, Mo.

ALLEGED SHIPMENT: On or about January 25, 1945, from the State of Missouri into the State of Ohio.

LABEL, IN PART: "Marion Kay Products Company * * * Green [or "Yellow," or "Red"] Food Coloring."

NATURE OF CHARGE: Adulteration, Section 402 (c), the articles contained coal-tar colors other than ones from batches that had been certified in accordance with the regulations.

Misbranding, Section 403 (a), the label statements "Certified Food Colors" and "Certified by the U. S. Food and Drug Administration" were false and misleading since they represented and suggested that the articles consisted of coal-tar colors from batches that had been certified in accordance with the regulations, whereas the articles consisted of coal-tar colors other than ones from batches that had been so certified.

DISPOSITION: September 19, 1946. A plea of nolo contendere having been entered, the court suspended the imposition of sentence and placed the defendant on probation for 1 year.

10884. Adulteration and misbranding of Saframol (food color). U. S. v. 16 Cartons * * * (and 1 other seizure action). (F. D. C. Nos. 15118, 15311. Sample Nos. 63819–F, 103–H.)

LIBELS FILED: On or about February 3 and March 1, 1945, Southern District of Florida.

ALLEGED SHIPMENT: On or about October 31 and November 2, 1944, by David Kleckner and Sons, Inc., from Ozone Park, Long Island, N. Y.

PRODUCT: 16 cartons and 10 boxes, each containing 100 envelopes, of Saframol food color at Tampa, Fla. Analysis showed that this product did not contain saffron, but that it contained sodium bicarbonate and coal-tar colors such as FD&C Yellow No. 5 and FD&C Orange No. 1. One lot of the product contained annatto.

LABEL, IN PART: "Pure Spanish Saffron * * * Kleckner's Saframol Improves Your Food For * * * Color."

NATURE OF CHARGE: Adulteration, Section 402 (c), the article bore and contained coal-tar colors other than those from batches certified in accordance with the regulations.

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*See also Nos. 10720, 10882.

Misbranding, Section 403 (a), the label statement "Pure Spanish Saffron * * * Made from Extract of Pure Saffron" was false and misleading as applied to this article which contained no saffron; and, Section 403 (b), the article was offered for sale under the name of another food.

DISPOSITION: On April 11, 1945, by order of the United States district court for the District of Massachusetts, these 2 actions were consolidated with others involving similar products and removed to the United States district court for the Southern District of New York. On January 14, 1947, David Kleckner and Sons, Inc., claimant, having withdrawn its answer filed in each of the proceedings and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

10885. Misbranding of food preservative tablets. U. S. v. 28,300 * * *. (F. D. C. No. 18191. Sample No. 4567–H.)

LIBEL FILED: October 18, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 14, 1945, by the Burrough Brothers Manufacturing Co., from Baltimore, Md.

PRODUCT: 28,300 food preservative tablets at Reading, Pa. Examination showed that each tablet contained 20 grains of salicylic acid and a small proportion of tartaric acid.

LABEL, IN PART: (Sticker inside bulk container) "Private Formula No. 6006 * * * Rx For B. S. Bergey * * * Reading, Pennsylvania Acid Salicylic 20 grains and Tartaric Powder 2 grains."

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling was misleading since it failed to reveal that the article contained an added poisonous and deleterious substance, salicylic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice.

DISPOSITION: January 10, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10886. Adulteration of mincemeat. U. S. v. Walter A. Vellguth (Velco – E. W. Products Co.). Plea of nolo contendere. Fine, $1,000. (F. D. C. No. 18600. Sample Nos. 26764–H, 28871–H, 28873–H, 28885–H, 29931–H.)

INFORMATION FILED: February 27, 1946, Northern District of California, against Walter A. Vellguth, an individual, trading as Velco – E. W. Products Co., San Francisco, Calif.

ALLEGED SHIPMENT: Between the approximate dates of June 15 and October 1, 1945, from the State of California into the States of Colorado and Washington and the Territory of Hawaii.

LABEL, IN PART: "California's Best E – W [or "Ideal Brand"] Mince Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of whole insects, insect fragments, worm fragments, and rodent hairs, and (2 shipments) of a decomposed substance by reason of the presence of fermenting mincemeat; and, Section 402 (a) (4), (1 shipment) it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 9, 1946. A plea of nolo contendere having been entered, a fine of $1,000 was imposed.

10887. Adulteration of mincemeat. U. S. v. 98 Tubs * * *. (F. D. C. No. 18080. Sample No. 29931–H.)

LIBEL FILED: On or about November 7, 1945, District of Hawaii.

ALLEGED SHIPMENT: On or about October 1, 1945, by Theo H. Davies and Co., Ltd., from San Francisco, Calif.

PRODUCT: 98 25-pound tubs of mincemeat at Honolulu, T. H.

LABEL, IN PART: "Ideal Brand Mince Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs.

DISPOSITION: January 23, 1946. Theo H. Davies and Co., Ltd., claimant, having admitted that the product was adulterated as alleged in the libel, judgment of condemnation was entered and the product was ordered destroyed.

10888. Adulteration of orange coconut parfait. U. S. v. 53 Cartons * * *. (F. D. C. No. 18686. Sample No. 8131–H.)

LIBEL FILED: December 19, 1945, Eastern District of New York.

ALLEGED SHIPMENT: On or about August 6 and September 22, 1945, by the G. C. Murphy Co., from McKeesport, Pa.

PRODUCT: 53 cartons, each containing 30 pounds, of orange coconut parfait at Brooklyn, N. Y. Examination showed that the product was moldy and decomposed.

LABEL, IN PART: "Product of Cuba * * * Orange Coconut Parfait Ingredients: Fresh Coconut, Cane Sugar, Corn Syrup, Orange Peel, Edible Starch, Certified Color and Flavor U. S. P."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10889. Misbranding of Date Nut Spread. U. S. v. 62 Cases * * *. (F. D. C. No. 17999. Sample No. 36519–H.)

LIBEL FILED: October 19, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about August 14, 1945, by the Western Commerce Corporation, from Los Angeles, Calif.

PRODUCT: 62 cases, each containing 24 1-pound jars, of Date Nut Spread at Seattle, Wash. Examination showed that the product was short-weight and that there were not enough walnuts, the nut ingredient, present to characterize the flavor.

LABEL, IN PART: "Date Nut Spread Royal Palm Brand California Dates * * * Walnuts * * * Net Weight 1 Pound."

NATURE OF CHARGE: Misbranding, Section 403 (a), the designation "Date Nut Spread" was misleading as applied to an article which contained an inconsequential amount of walnuts; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: December 29, 1945, The National Grocery Co., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES

10890. Adulteration and misbranding of vitamin B complex tablets. U. S. v. S. O. Barnes and Son. Plea of nolo contendere on 2 counts; fine, $50. Plea of not guilty on 2 counts. Tried to the court. Judgment of guilty; fine, $400. Total fine, $450. (F. D. C. No. 15517. Sample Nos. 55525–F, 81779–F, 81994–F.)

INFORMATION FILED: July 30, 1945, Southern District of California, against S. O. Barnes and Son, a partnership, Gardena, Calif.

ALLEGED SHIPMENT: Between the approximate dates of February 22, 1943, and June 22, 1944, from the State of California into the States of Washington and New York.

LABEL, IN PART: "McCollum Vitamin B Complex Tablets * * * Distributed by McCollum Laboratories, Inc. Hollywood, California," or "JXL Vitamin B Complex * * * Prepared for and distributed by John X. Loughran Gardena, Calif."

NATURE OF CHARGE: Count 1, adulteration, Section 402 (b) (1), valuable constituents of the article had been in whole or in part omitted or abstracted therefrom, since the article was represented to contain in 2 tablets 350 International Units of vitamin B_1, 2,000 gamma of vitamin B_2 (G) riboflavin, and 10 milligrams of niacin, whereas it contained in 2 tablets not more than 175 International Units of vitamin B_1, not more than 0.44 milligram (440 gamma) of vitamin B_2, and it contained niacin in amounts ranging from 0.3 to 3.15 milligrams per 2 tablets.

Count 2, misbranding, Section 403 (a), (same lot as involved in count 1) dismissed.

Count 3, adulteration, Section 402 (b) (2), tablets of a laxative drug had been substituted in whole or in part for vitamin B complex tablets, which the article purported and was represented to be.

Count 4, adulteration, Section 402 (b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article since it was represented to contain in each tablet 1,670 gamma of niacin, whereas it contained not more than 1,222 gamma of niacin per tablet.

Count 5, misbranding, Section 403 (a), (same lot as covered by count 4) the label statement "Each tablet * * * contains the following * * * 1,670 Gammas Niacin" was false and misleading, and the label statements "Each tablet contains * * * 335 Gammas B_2, 45 Gammas B_6, 124 Gammas Pantothenic Acid, 1,670 Gammas Niacin" were misleading since they created the impression that the article contained large amounts of all of the vitamin substances named, whereas the article contained insignificant amounts of vitamin B_2, vitamin B_6, and pantothenic acid; Section 403 (j), the article purported to be and was represented for special dietary uses by reason of its vitamin properties in respect to vitamin B_6 and pantothenic acid, and its label failed to bear, as required by the regulations, a statement that the need for vitamin B_6 and pantothenic acid in human nutrition has not been established; and, Section 403 (f), the statements required by Section 403 (j) relating to the proportion of the minimum daily requirement for vitamin B_1, riboflavin, and the amounts of vitamin B_6, pantothenic acid, and niacin in a specified quantity of the article were printed vertically on the side panel of the label, and the quantities of certain vitamin substances were declared in gamma which would not be readily understood by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: Count 2 having been dismissed on motion of the Government, a plea of nolo contendere was entered on behalf of the defendant to counts 1 and 3, and a plea of not guilty was entered on counts 4 and 5. On October 4, 1945, the issue raised by the plea of not guilty came on for trial before the court. The trial was concluded on October 13, and the defendant was found guilty on the said counts. The court imposed fines of $25 on each of counts 1 and 3, $390 on count 4, and $10 on count 5. In pronouncing sentence, the court delivered the following opinion:

HARRY A. HOLZER, *District Judge:* "I think, when all is said and done, this is the situation which confronts a court hearing the trial of a case of this nature. The evidence is essentially expert and particularly unusual in that it relates to a field in which the court is seldom called upon to take proof. It would be a very easy course to pursue to conclude that, because we have two sets of scientists who, let us assume, radically disagree, we should, to paraphrase a passage in Shakespeare's Romeo and Juliet, say, 'a plague on both your houses,' and find that the evidence is of such an intricate character that the lay mind can't follow it and, therefore, conclude that the government hasn't made out and in fact cannot make out a case. As we said a few moments ago, the evidence here isn't easily followed and understood but we think that certain passages of the testimony have been illuminating and provide what might be termed the guide posts and the lighthouses that should point the way.

"Admittedly, we are dealing with a product whose ingredients can only be determined through some one or more scientific procedures, commonly referred to as assay methods.

"As we understand the evidence, it establishes, beyond the peradventure of a doubt, that there are at least two scientific publications which are recognized as authoritative, and these two have been referred to during the trial. They consist of the United States Pharmacopeia and the publication of this Association of Official Agriculturalists. I may not have its exact title but I think we all understand the publication to which we are now referring. And all of the scientific literature that has been referred to here by any of the witnesses bears out the fact that for some years research has been conducted with a view of determining, among other matters, the most satisfactory assay method for determining the niacin content in various products and that, after years of research and exchange of reports and discussions among the scientists interested in the subject, one of these recognized scientific publications, namely, the U. S. P.,

officially published a certain assay method which, unquestionably, was the method applied by the government's employees. That method, through the publication thereof in the U. S. P., has been given sanction of a type which this court may and properly should respect. It has been criticized here by defendant's experts. The reasoning upon which those criticisms were advanced, as we construe the testimony, doesn't harmonize. One of the defendant's experts, Dr. Osman, advanced a theory which he admitted has never been called to the attention of the recognized authorities who are so vitally interested in improving the methods in this category and it strikes us as rather strange that, if an expert were convinced of the validity of his theory, he would, so to speak, keep it in hiding. In the absence of any recognition of his theory upon which he based his criticism of the method applied by the government experts, we feel compelled to discard the reasoning of Dr. Osman.

"More than that, it seems to us that, in the course of his testimony, he pointed to at least one of the weaknesses of the defendant's procedures. I do not have in mind the exact details but, under cross examination, he undertook to approve that particular procedural step applied in the defendant's laboratory which had to do with the measuring of the niacin content, and went on to explain that the measurement was made at that particular stage of the manufacturing process because later on the same quantity of niacin might not be found or shown to be present by the method which the defendant was employing and that there might be a loss through I think what he called oxidation or through oxidizing. Whether we have caught or grasped the full import of that statement I am not altogether certain but, when we recall that the defendant's own analysis of a portion of the accused product, the analysis made in September of this year, showed a marked difference in the niacin content as compared with the claimed quantity incorporated in the product, it strikes us that there is something wrong with the procedure that is applied in the defendant's laboratory because, when all is said and done, the law is not concerned with what niacin content is introduced into the defendant's product in defendant's laboratory if, when that product leaves the laboratory, it meets the requirements, but is concerned with the niacin content in the finished product as distinguished from the niacin content in the unfinished product. Whether Dr. Osman's explanation points to a vulnerable procedural step or not seems to us of only passing moment. What is of consequence here is that, when we come to assaying a finished product such as we have here, the reasoning which has been supplied by Dr. Kline impresses us as the logical and the sound analysis and explanation of the method which should be applied in determining whether or not the defendant's product meets the legal requirements.

"We could go on perhaps at considerable length but it would lead merely to the accumulation of circumstances which, to our mind, establish, beyond all reasonable doubt, that the government has found an assay method by which to measure the niacin content of such products as we are dealing with here. The application of that method demonstrates that not only was there a failure to meet the requirements of the law, as charged in count 4, but also as charged in that portion of count 5 which is to be found on page 7, lines 7 to 17, a count beginning at line 29, page 7, and ending at line 10 on page 8. Under these circumstances, we find the defendant guilty on counts 4 and 5. May I inquire whether there is something further to be brought to the court's attention with reference to what penalty should be imposed here?"

10891. Adulteration and misbranding of Super Multi-Caps 9 Vitamins and Multi-Caps 8 Vitamins. U. S. v. 102 Bottles, etc. (F. D. C. No. 18463. Sample Nos. 955–H, 956–H.

LIBEL FILED: On or about November 29, 1945, Southern District of Florida.

ALLEGED SHIPMENT: On or about October 1, 1945, by the Oxford Products Co., Inc., from Cleveland, Ohio.

PRODUCT: 102 bottles, each containing 100 tabsules, of Super Multi-Caps 9 Vitamins and 139 bottles, each containing 50, 100, or 500 tabsules, of Multi-Caps 8 Vitamins at Miami, Fla.

LABEL, IN PART: "Super Multi-Caps 9 Vitamins * * * [or "Multi-Caps 8 Vitamins * * * "] Each Tabsule Contains Vitamin A 5000 U. S. P. Units."

NATURE OF CHARGE: Adulteration, Section 402(b)(1), a valuable constituent, vitamin A, had been in whole or in part omitted from the products.

Misbranding, Section 403(a), the label statements (both products) "Each Tabsule Contains Vitamin A 5000 U. S. P. Units" and (Super Multi-Caps 9 Vitamins) "Minimum daily Requirements as provided in each Super Multi-Caps Tabsule Vitamin A 1¼ Times" were false and misleading since the products contained less than 5,000 U. S. P. units of vitamin A per tabsule, and the Super Multi-Caps 9 Vitamins would not provide the stated proportion of the minimum daily requirement for vitamin A.

DISPOSITION: February 8, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to the Red Cross.

10892. Adulteration of Pa-Poya. U. S. v. 100 Bottles * * *. (F. D. C. No. 18459. Sample No. 8149–H.)

LIBEL FILED: November 27, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about October 13, 1945, by Tropical Fruits Laboratory, Inc., from Miami, Fla.

PRODUCT: 72 1-pint bottles, 24 1-quart bottles, and 4 1-gallon bottles of Pa-Poya at New York, N. Y. Examination showed that the product was a clear, sirupy, amber-colored liquid, having the odor and taste of burnt sugar, with slight proteolytic activity.

LABEL, IN PART: "Pa-Poya * * * A Concentrate Syrup (Tropical Laboratory Process) made from the Tropical Melon, Papaya, including skin, pulp and seeds; sugars, inverted with fruit acid—added, honey, fruit and vegetable flavors * * * So rich in Natural Vitamins A–B–C–G and ten minerals."

NATURE OF CHARGE: Misbranding, Section 502(a), certain statements on the label were false and misleading since they represented and suggested that the article possessed health-giving, curative, and vitalizing properties; that it would aid digestion; that it would be effective in treating stomach disorders, sore throat, eczema, indigestion, gastric disorders, disorders of children, and many other ailments; that it would be effective to combat acidosis; that it would digest proteins; and that it would aid in avoiding "morning after disaster." The article would not be effective for such purposes.

Further misbranding, Section 403(j), the article purported to be and was represented for special dietary uses by man by reason of its vitamin and mineral content, and its label failed to bear, as required and prescribed by the regulations, a statement of the proportion of the minimum daily requirement for vitamins A, B, C, and G, and the 10 minerals supplied by the article when consumed in a specified quantity during a period of 1 day.

DISPOSITION: December 11, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10893. Misbranding of Adolphus dietary foods. U. S. v. 72 Bottles of Wheat Germ Oil Capsules, etc., and a quantity of printed matter. (F. D. C. No. 15370. Sample Nos. 31967–H, 31968–H, 31973–H to 31983–H, incl.)

LIBEL FILED: May 1, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about April 2, 1945, by Adolphus Hohensee, from Phoenix, Ariz.

PRODUCT: 72 bottles of Wheat Germ Oil Capsules, 31 bottles of Pure Soy Bean Lecithin Capsules, 12 bottles of High Potency Vitamin C Tablets, 111 bottles of Vitamin C Tablets, 10 bottles of Mineral Capsules, 63 bottles of Garlic Parsley Capsules, 17 bottles of Dicalcium Phosphate and Vitamin D Tablets, 133 bottles of Improved "B" Complex Tablets, 36 jars of Malt-O-Soy, and 8 jars of Concentrated Broth, at San Diego, Calif., together with a number of accompanying display cards entitled "The Wheel O' Life," a number of accompanying booklets entitled "The Health, Success and Happiness Lectures 'High Blood Pressure'" and "What About the Vegetables and Fruits We Eat Today?" and a number of accompanying booklets headed "Lecture Series on Health and Progress," with subheadings "How to Think to Attain Success," "Better Eyes Without Glasses," and "Your Personality Glands."

NATURE OF CHARGE: Wheat Germ Oil Capsules. Misbranding, Section 403 (a), certain statements in the booklets entitled "Lecture Series on Health and Progress Your Personality Glands" and on the display cards were false and misleading since they suggested and implied that the article would be effective in the treatment or prevention of the pain and suffering associated with the menopause period; that it would prevent atrophy of the "personality" glands; that use of the article would assure a long life free from suffering and disease; that it would promote general well-being, vigor of personality, and mental and physical vigor; that it would prevent miscarriage and sterility; that it would be efficacious in the prevention and treatment of "angotrophic" lateral sclerosis; and that it would strengthen the sexual power of men. The article would not be effective in the treatment or prevention of the conditions named, nor would it otherwise fulfill the promises of benefit stated and implied.

Pure Soy Bean Lecithin Capsules [or Pure Soy Bean Lecithin and Vitamin D Capsules]. Misbranding, Section 403 (a), the label statement "A Food Supplement" was misleading since it implied that lecithin is an essential nutritional factor for man, whereas the supplementation of diets with lecithin would be of no nutritional or therapeutic significance; and certain statements in an accompanying booklet entitled "Lecture Series on Health and Progress * * * What is Brain Food?" were false and misleading since they represented and suggested that the article would be effective to nourish the brain, whereas it would not be effective for such purpose.

Vitamin C Tablets. Misbranding, Section 403 (a), certain statements in the booklets entitled "Lecture Series on Health and Progress Better Eyes Without Glasses" were false and misleading since they represented and suggested that the article would correct or prevent faulty vision or other eye conditions, hay fever, asthma, and catarrh, whereas the article, either alone or in combination with other treatments, would not be effective for such purposes.

Mineral Capsules. Misbranding, Section 403 (a), the following label statements were misleading since they suggested that the article was of dietary significance by reason of the substances named, whereas the article was of no dietary significance because of the presence of those substances: "(Magnesium) from Magnesium Sulphate Dried 7.2 Mg. (Zinc) from Zinc Sulphate C. P. Dried 3.0 Mg. * * * (Sodium) from Sodium Chloride C. P. Dried 2.5 Mg. (Cobalt) from Cobalt Sulphate .2 Mg. (Potassium) from Potassium Chloride C. P. 1.3 Mg. (Manganese) from Manganous Sulphate ($2H^2O$) 3.4 Mg. (Sulphur) traces from Nos. 1, 6, 7, 9, and 11 Liver Concentrate, from Fresh Livers 30.0 Mg. Soybean Lecithin 15.0 Mg. C. P. Wheat Germ Oil 214.0 Mg. * * * The Liver concentrate used in these capsules is from U. S. Government inspected fresh livers." In addition, certain statements in the booklets entitled "Lecture Series on Health and Progress Better Eyes Without Glasses" and "What About the Vegetables and Fruits We Eat Today?" and certain statements on the display cards were false and misleading since they represented and suggested that the article would prevent or correct faulty vision, asthma, hay fever, and sinus difficulties. The article, either alone or in combination with other treatments, would not be effective for such purposes.

Garlic Parsley Capsules. Misbranding, Section 403 (a), the label statements "Directions: Used as a Food Supplement * * * One Capsule before each meal" were misleading since they represented and suggested that the article was of nutritional significance, whereas it provided no ingredients of nutritional significance.

Dicalcium Phosphate and Vitamin D Tablets. Misbranding, Section 403 (a), certain statements in the booklets entitled "Lecture Series on Health and Progress How to Think and Attain Success" and on the display cards were false and misleading since they represented and suggested that the article would be effective in nourishing the brain. The article, either alone or in combination with other substances, would not be effective for such purpose. Further misbranding, Section 403 (f), the information required by the regulations under Section 403 (j) appeared inconspicuously on the labeling since it appeared in small type on a side panel at right angles to the principal printed matter on the label.

Improved "B" Complex Tablets. Misbranding, Section 403 (a), certain statements in the booklets entitled "Lecture Series on Health and Progress Better Eyes Without Glasses" and on the display card were false and misleading

since they represented and suggested that the article would be effective in the prevention or treatment of faulty vision, hay fever, and inflamed eyes. The article, either alone or in combination with other products, would not be effective for such purposes.

Malt-O-Soy. Misbranding, Section 403 (a), the following label statements were misleading since they suggested and implied that the article would supply factors that would be effective in the treatment and prevention of the conditions named, whereas it would not be effective in the treatment and prevention of those conditions, nor would it otherwise fulfill the promises of benefit suggested or implied: "hypoallergic and serves as * * * protein diet in the cases of allergic people. * * * It is a definitely alkalinizing food and of great value in treating arthritis or dieting acid or ulcer states, and serves as an ideal non-residue diet of high nutrition value in intestinal disorders particularly amoebic dysentery, sprue and colitis. * * * of known therapeutic value in intestinal disturbances. * * * the richest source and unquestionably the highest type of protein known. * * * Malt-O-Soy supplies every purpose of animal milk for the growing child, for the adult, and the pregnant or nursing mother."

Concentrated Broth. Misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content, and its label failed to bear, as required by the regulations, a statement of the specific vitamin and mineral properties upon which such dietary use was based in whole or in part; and its label failed also to bear a statement of the proportion of the minimum daily requirements or the amount of such vitamins and minerals furnished by a specified quantity of the article when consumed during the period of 1 day.

The articles, with the exception of the Concentrated Broth, were alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2092.

DISPOSITION: June 18, 1945. No claimant having appeared, judgment of condemnation was entered and the products, including the printed matter, were ordered destroyed.

10894. Misbranding of Alberty dietary foods. U. S. v. 6 Cartons of Alberty Vitamin-Mineral Capsules, etc. (F. D. C. No. 13345. Sample Nos. 81301–F to 81311–F, incl., 81314–F, 81315–F, 81319–F.)

LIBEL FILED: On or about September 11, 1944, Western District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of October 18, 1943, and August 21, 1944, by Alberty Food Products, from Hollywood, Calif.

PRODUCT: 6 cartons of Alberty Vitamin-Mineral Capsules, 19 packages of Instant Alberty Food, 9 cartons of Oxorin Tablets, 7 cans of Alberty's Regular Food, 6 cartons of Alberty's Vegetable Compound Capsules, 31 bottles of Alberty Vitamin B Complex Tablets, 8 bottles of Alberty's Vitamin B_1, 6 boxes of Alberty's Vitamin A Shark Liver Oil, 28 bottles of Alberty's Phosphate Pellets, 13 bottles of Recal Calcium Tablets, 11 bottles of Alberty's Vi-C, 14 cartons of Cheno Combination Tablets, and 16 bottles of Alberty Phospho B Tablets at Kansas City, Mo.

The composition of the articles, as disclosed by examination of samples thereof, is set forth in notices of judgment on drugs and devices, No. 2057.

The labeling of the articles included a number of the following booklets and leaflets which accompanied the articles when introduced into, and while in, interstate commerce: "The Alberty Diet," "Health Mysteries," "Calcium The Staff of Life," "Instant Alberty Food," "Are You Left Pepless and Pale," "Alberty Foods," "Help Yourself to a lot of New Vitality," "Vitamin C," "Check Yourself for Plenty of B Vitamins," "Do You Know? Vitamin 'A'," "Alberty's Vitamin A Shark Liver Oil," "Living to the Fullest," and "Sleep Nights!"

NATURE OF CHARGE: Alberty Vitamin-Mineral Capsules, Oxorin Tablets, Alberty's Regular Food, and Alberty's Vegetable Compound Capsules. Misbranding, Section 403 (a), certain statements in the labeling were false and misleading since they represented and suggested that, when used in combination with the Alberty Diet, and singly or in combination with each other, the articles would be efficacious to correct polyuria (excessive urine), and thirst and other

symptoms in a majority of cases for those on a starch and sugar-restricted diet; that they would be efficacious to increase strength and vitality; and that they would be efficacious in the treatment of afflicted organs of the body, i. e., the liver, spleen, and pancreas, and the entire digestive tract. The articles when used as directed would not be efficacious for the purposes claimed.

Alberty Vitamin-Mineral Capsules. Further misbranding, Section 403 (a), certain statements in the labeling were false and misleading since they represented and suggested that the article would be efficacious in building strength and resistance to disease, preventing one becoming old before one's time, and preventing a haggard, "dopey" feeling and the feeling of being always tired, with no pep or energy. The article would not be efficacious for the purposes claimed.

Oxorin Tablets. Further misbranding, Section 403 (a), certain statements in the labeling were false and misleading since they represented and suggested that the article would be an adequate treatment for lowered resistance, low blood pressure with cold hands and feet, lack of pep, and chronic fatigue; that it would be an adequate treatment for persons who are often pale and easily fagged out; that it would be an adequate treatment for gas after eating; that it would insure robust buoyant health and stamina; that it would keep the digestive functions working at their best; that it would be efficacious in preventing the lowering of the natural resistance of the body; and that it would be efficacious in correcting the conditions implied in the expressions "living half-powered lives" and "weary, tired, run-down—just dragging yourself around with no ambition." The article would not be efficacious for the purposes claimed.

Alberty's Regular Food. Further misbranding, Section 403 (a), certain statements in the labeling were misleading since they represented and implied that the article when prepared and used as directed would be appropriate for infant feeding; that it would supply adequate nourishment for infants; that the volumes of food specified are suitable to the infant's stomach; and that the intervals between feedings are sufficiently long for proper gastric digestive processes. The article would not be appropriate for infant feeding; it would not supply adequate nourishment for infants; the volumes of food specified to be fed were greater than the infant stomach could accommodate; and the interval between feedings specified was too brief for proper gastric digestive processes. Further misbranding, Section 403 (a), certain statements in the labeling were false and misleading since they represented and suggested that the article would be efficacious to supply new vitality, relieve stomach distress, improve looks, give strength and vitality to the weak, put added flesh on the undernourished, and give rest to the overworked stomach; that it would be an adequate treatment for intestinal ulcers and for people who can no longer digest and assimilate a regular diet; and that it would be an adequate treatment for eczema, mucus colitis, and diarrhea. The article would not be efficacious for the purposes claimed.

Alberty's Vegetable Compound Capsules. Further misbranding, Section 403 (a), certain statements in the labeling were false and misleading since they represented and suggested that the article, when used singly and in combination with Alberty Regular Food and Oxorin Tablets, would be efficacious to insure keeping the digestive functions working at their best and in preventing the lowering of the natural resistance. The article would not be efficacious for the purposes claimed.

Instant Alberty Food. Misbranding, Section 403 (a), the statements in the labeling which represented and suggested that the article could be used for the same purpose as fresh cow's milk, or as a milk diet for adults or milk for children, were false and misleading since the article contained dried skimmed milk and could not be used for the same purpose as fresh cow's milk, or as a milk diet for adults or milk for children; and the statements on the label which represented and suggested that the article contained .0083 percent of iron and that 8 level tablespoonfuls (1.91 oz.) would provide 4.47 milligrams of iron, which was equivalent to 59 percent of the minimum daily requirement for children 1 to 6 and 44 percent for older children and adults, were false and misleading since the article contained only .0035 percent of iron, or 2.2 milligrams of iron in 8 level tablespoonfuls, which was less than 30 percent of the minimum daily requirement of a child 1 to 6 years of age, and not more than 22 percent of the

minimum daily requirement of an older child or an adult. Further misbranding, Section 403 (a), certain statements in the labeling were misleading since they represented and implied that the article when prepared and used as directed would be appropriate for infant feeding; that it would supply adequate nourishment for infants; that the volumes of food specified are suitable to the infant's stomach; and that the intervals between feedings are sufficiently long for proper gastric digestive processes. The article would not be appropriate for infant feeding, as it would not provide sufficient quantities or suitable proportions of nutritious elements; the volumes of food specified to be fed were greater than the infant stomach could accommodate; and the intervals between feedings specified were too brief for proper gastric digestive processes. Further misbranding, Section 403 (a), certain statements in the labeling were also false and misleading since they represented and implied that the article would be efficacious to insure strong healthy bodies and to increase the assimilation of food, and thereby lessen the burden on weakened organs which had the duty to regulate sugar digestion; and that use of the article would result in increased pep and stamina and would correct pale, weak, undernourished, thin, and scrawny bodies. The article would not be efficacious for the purposes claimed.

Alberty Vitamin B Complex Tablets. Misbranding, Section 403 (a), certain statements in the labeling were misleading since they represented, suggested, and implied that "let-down," "dragged-out," "all-in," and tired, nervous symptoms, low intestinal activity and lack of general well-being, lack of "pep" and stamina, poor health, poor eyesight, skin disease, nervous disorders, lack of growth, poor appetite and improper digestion, unsound nerves, sluggish intestinal activity, constipation, flatulence, headaches, dyspepsia, chronic fatigue and other characteristics of middle and old age, lack of tone in the digestive tract, and neuritis and arthritis commonly and usually result from lack of vitamin B complex; and that the reader might reasonably expect that consumption of the article would correct the stated conditions and abnormalities. These conditions and abnormalities commonly and usually result from causes other than lack of vitamin B complex, and the user could not reasonably expect that consumption of the article would correct the conditions and abnormalities in that it would not ordinarily be efficacious for such purposes. Further misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin B_6 and pantothenic acid content, and its label failed to bear, as required by the regulations, a statement that the need in human nutrition for vitamin B_6 and pantothenic acid has not been established.

Alberty's Vitamin B_1. Misbranding, Section 403 (a), certain statements in the labeling were false and misleading since they represented and implied that the article was necessary for proper digestion, sound nerves, good intestinal activity, and regular elimination; that it would stimulate without that "after-feeling of let-down," make the day's task easier, and maintain the tone of the digestive tract; that it was essential for growth, appetite, life, health, proper digestion, sound nerves, good intestinal activity, and elimination; that it would be efficacious in the treatment of nervousness, sleeplessness, absence of appetite, vomiting in pregnancy, gastrointestinal malfunction, lactation, retarded growth in children, diabetes, chronic arthritis, anemia, alcoholic neuritis, beriberi, and over-activity of the thyroid gland; that it was a muscle toner; that it was essential for well-being in all ages and would prevent premature old age; that its use would result in less fatigue at the end of the day and improved eyesight; that its use would be beneficial in the treatment of skin diseases, nervous disorders, and other deficiency ailments; and that it would be efficacious in the treatment of constipation, flatulence, headaches, dyspepsia, lack of stamina, and chronic fatigue. The article would not be efficacious for the purposes claimed.

Alberty's Vitamin A Shark Liver Oil. Misbranding, Section 403 (a), certain statements and designs in the labeling were false and misleading since they represented and suggested that the article was essential for the eyes, ears, nose, throat, skin, and lungs, and for growth and reproduction; that it would relieve tired, aching eyes; that it would be efficacious in the prevention and treatment of dry skin or skin eruptions on the body, night blindness, slow reaction of eyes to a change of light, eye strain, susceptibility to colds, children's diseases, re-

tarded growth or impairment of healthy development of teeth and bones, poor eyesight, lack of energy, sterility, eczema, and an inflamed membrane lining of various parts of the body; and that it would be efficacious to prevent kidney stones. The article would not be efficacious for the purposes claimed.

Alberty's Phosphate Pellets. Misbranding, Section 403 (a), certain statements in the labeling were false and misleading since they represented and implied that the article would be efficacious in the treatment of nervousness, neurasthenia, nervous debility, nerve exhaustion, loss of memory, sleeplessness, high blood pressure symptoms, loss of energy, despondency, trembling or aching limbs, constipation, loss of stamina, and many other conditions; that its use would result in sound and more restful sleep, renewed strength and vitality, and stronger powers of digestion and assimilation; and that it would have a soothing, beneficial effect on the nerve tissues and would act as a tonic to the blood and the entire body. The article would not be efficacious for the purposes claimed.

Recal Calcium Tablets. Misbranding, Section 403 (a), certain statements in the labeling were false and misleading since they represented and implied that the article would be efficacious in the treatment of poor teeth and bones, rickets, nervousness, lack of energy, and signs of early aging; and that it was the equivalent of milk and could be used as a substitute for milk. The article was not the equivalent of milk, and it would not be efficacious for the purposes claimed. Further misbranding, Section 403 (a), the statements on the labeling of the article "Six tablets provide * * * of the minimum daily adult and child's requirements * * * 120% * * * for phosphorus * * * and 13 times those requirements for iodine," "Six Recal Tablets supply * * * 1¼ times the daily requirements of phosphorus," and "6 Recal Tablets equal * * * the daily need of Iodine" were false and misleading since the tablets would not supply 120 percent or 1¼ times the minimum daily requirement of phosphorus nor the minimum daily requirement or thirteen times that requirement of iodine.

Alberty's Vi-C. Misbranding, Section 403 (a), certain statements in the labeling were misleading since the statements represented, suggested, and implied that poor teeth, unhealthy gums, weak bones, flabby muscles, lack of stamina and resistance, impaired healing capacity, neuritis, rheumatism, arthritis, subnormal rate of growth, tendency to bleed easily, anemia, lowered resistance to infection, skin lesions or red spots on the skin, low blood pressure, weakness, fatigue, palpitation of the heart, tooth decay, gingivitis, capillary weakness, weak bones, bad breath, rheumatic pains, slight edema, intestinal disturbance and hematuria, leg and feet cramps, pyorrhea, slow blood coagulation, ulcers, allergy, and diabetes commonly and usually result from lack of vitamin C; and that the reader might reasonably expect that consumption of the article would correct the conditions and abnormalities mentioned, whereas the stated conditions and abnormalities commonly and usually result from causes other than lack of vitamin C. The reader might not reasonably expect that consumption of the article would correct the stated conditions and abnormalities, since it would not ordinarily be efficacious for such purposes.

Cheno Combination Tablets. Misbranding, Section 403 (j), the label did not show the proportion of the daily requirement of iodine provided by a given number of the tablets, in that the statement on the label "12 Cheno Tablets Supply the average adult with * * * 18 times the daily requirement of Iodine" was not a correct statement since 12 tablets would in fact supply less than one-fourth of the stated amount of iodine.

Alberty Phospho B Tablets. Misbranding, Section 403 (a), certain statements and designs in the labeling were false and misleading since they represented and suggested that the article would be efficacious in the treatment of nervousness, irritability, and sleeplessness; that it would be efficacious to tone the muscles of the intestinal tract and maintain normal nutrition; and that it would be efficacious to induce sleep for alcoholic addicts and highly nervous and excitable individuals. The article would not be efficacious for the purposes claimed. Further misbranding, Section (403) (j), the article purported to be and was represented as a food for special dietary uses by man by reason of its calcium and phosphorus content, but its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily require-

ments of calcium and phosphorus supplied by a specified quantity of the article reasonably suitable and practicable of consumption during a period of 1 day.

The articles were alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2057.

DISPOSITION: On November 3, 1944, no claimant having appeared, judgment was entered ordering that the products be destroyed.

10895. Misbranding of Bush Cal-O-Stace, Bush's All-In-One Broth, and Bush Kelp Tablets. U. S. v. 660 Cartons, etc., and approximately 150 books. (F. D. C. No. 18061. Sample Nos. 2942–H to 2944–H, incl.)

LIBEL FILED: October 26, 1945, District of Columbia.

PRODUCT: 660 cartons, each containing 250 tablets, of Bush Cal-O-Stace; 260 cartons, each containing 12 ounces, of Bush's All-In-One Broth; and 12 cartons, each containing 200 tablets, of Bush Kelp, which products were held for sale in the District of Columbia by David V. Bush, together with approximately 150 accompanying books entitled "What To Eat."

LABEL, IN PART: (Cal-O-Stace) "Each tablet contains: Dicalcium Phosphate, Calcium Carbonate and Malt Diastase * * * Six tablets per day supplies 65% of the adult minimum daily requirement for Calcium, and 19% of this requirement for Phosphorus"; (All-In-One Broth) "Ingredients: Bush All-In-One-Broth Carrot Powder; White Celery Powder; Whole Barley; Onion Powder; Pimiento Powder; Tomato Powder: Salt; Orange Powder; Irish Moss Powder; Okra Powder; Alfalfa Dust; Chili Powder; Watercress Parsley Powder; Celery Seed; Garlic Powder; Vegetable Protein; Sodium Glutemate Derivative"; (Bush Kelp) "Bush Kelp Tablets, compressed into tablet form for your convenience, are pure, carefully dehydrated Pacific Ocean Kelp, or marine vegetation."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the accompanying books were false and misleading since they represented and suggested that the articles, singly or in combination, would be effective for the reduction of weight, for internal cleansing, for body building, and for taking down the waistline to normal; that they would be effective in preventing many serious conditions of a chronic nature which are due to a deficiency of calcium and phosphorus in the body; that they would be effective for nourishing skin, teeth, bones, lung tissue, nerves, fingernails, and toenails; that they would be effective to give strength and vitality to resist disease; that they would be effective to repair the bodies of adults and children and to overcome run-down conditions resulting from improper food intake; and that they would supply an important proportion of the body's need for phosphorus. The articles, singly or in combination, would not be effective for those purposes.

They were alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1726.

DISPOSITION: February 14, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

10896. Misbranding of Sa-Vi-Ade. U. S. v. 500 Bottles * * *, and 500 circulars. (F. D. C. No. 19081. Sample No. 2977–H.)

LIBEL FILED: February 1, 1946, District of Columbia.

PRODUCT: 500 bottles of Sa-Vi-Ade, held for sale at the G. C. Murphy Co., Washington, D. C., together with approximately 500 accompanying circulars entitled "Take your place in the Sun with Sa-Vi-Ade."

LABEL, IN PART: "Sa-Vi-Ade contains: Fish liver oil concentrates—Thiamin Hydrochloride—Riboflavin, Niacin, Calcium Pantothenate, Pyridoxine, Ascorbic Acid, Irradiated Yeast, Wheat Germ Oil, Soy Bean, Malt Extract, Brewer's Yeast, Dicalcium Phosphate, Iron Byhydrogen, Potassium Iodide, Copper, Zinc, Cobalt, Manganese and Magnesium Sulphates, Sodium Carbonate, Sulphur, Gum Karaya, Sugar and synthetic flavors with color added, Dextrose."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements on the label and in the circulars were false and misleading.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1811, in which is set forth the nature of the false and misleading statements referred to above.

DISPOSITION: March 22, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10897. Misbranding of Golden Brand Soi-Jus (soya oil). U. S. v. 42 Cans, etc., and a number of circulars. (F. D. C. No. 18667. Sample No. 36678–H.)

LIBEL FILED: December 28, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about January 15, 1942, December 26, 1944, and January 13 and October 9, 1945, by the Soi-Jus Co., from Chicago, Ill.

PRODUCT: 42 1-pint cans and 33 1-quart cans of Golden Brand Soi-Jus at Seattle, Wash., together with a number of circulars entitled "Drink Golden Brand Soi-Jus."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements on the label and in the circulars were false and misleading.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1879, in which is set forth the composition of the product and the nature of the false and misleading claims in the labeling.

DISPOSITION: March 25, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10898. Misbranding of V-T Preparation. U. S. v. 228 Bottles * * *, and 1,494 circulars. (F. D. C. No. 18967. Sample No. 24738–H.)

LIBEL FILED: January 10, 1946, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about October 10, 1945, by the T-Lax Products Co., from Birmingham, Ala.

PRODUCT: 228 bottles of V-T Preparation at Leland, Miss., together with 1,494 circulars entitled "Vitamins May Mean Life or Death." Analysis showed that the product contained not more than 6.8 grains per fluid ounce of iron and ammonium citrate and not more than 3.05 grains per fluid ounce of calcium hypophosphite.

LABEL, IN PART: "V-T Preparation * * * Each Fluid Ounce Contained When Packed Vitamin B_1 (Thia. Chlor.) * * * 2,000 USP Units, Liquid Vitamin B Complex * * * 2 Grains, Liver Extract * * * 1 Grain, Iron and Ammonium Citrate * * * 8 Grains, Calcium Hypophosphite * * * 4 Grains, Manganese Citrate * * * 1 Grain, Copper Proteinate * * * 1/40 Grain, Malt Extract * * * 72 Grains."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements on the bottle label and in the circulars were false and misleading since they represented and implied that the article contained 8 grains of iron and ammonium citrate and 4 grains of calcium hypophosphite per fluid ounce; that it would assist the body in the formation of red blood corpuscles; that it would build weight and strength; and that it would be efficacious in the cure, mitigation, treatment, and prevention of lost appetite, indigestion, after-eating pains, gas, bloating, belching, nausea, sick headache, heartburn, constipation, biliousness, spots before the eyes, backache, loss of energy and vitality, too frequent kidney action, arm and leg pains, bad blood, bad color, boils, pimples, lost weight, stiff joints, sore muscles, rheumatism, nervousness, a tired-out feeling, colds, infection, brittle fingernails, despondency, and irritability. The article did not contain the declared proportions of iron and ammonium citrate and calcium hypophosphite; and it would not be effective to produce the benefits stated and implied.

Further misbranding, Section 403 (j), the article purported to be a food for special dietary uses by reason of its vitamin and mineral content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement for calcium supplied by the article when consumed in a specified quantity during a period of 1 day.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1935.

DISPOSITION: May 21, 1946. No claimant having appeared, judgment of condemnation was entered and the product and circulars were ordered destroyed.

10899. Misbranding of Yogourt Culture. U. S. v. 21 Bottles * * *, and a number of window streamers and leaflets. (F. D. C. No. 19021. Sample No. 14614–H.)

LIBEL FILED: February 8, 1946, Eastern District of Michigan.

ALLEGED SHIPMENT: By Gaymont Laboratories, from Chicago, Ill. The product was shipped on or about January 5, 1946, and the window streamers were enclosed in the shipping cartons. The leaflets were delivered to the consignee by a representative of the shipper on or about March 1, 1945.

PRODUCT: 21 bottles of Yogourt Culture, and a number of window streamers entitled "The Original Dr. Gaymont's Yogourt Culture Now Prepare Yogourt—The Amazing Milk Health–Food at Home" and a number of leaflets entitled "Science Says * * * Live Longer," at Detroit, Mich. Examination of a sample of the product showed that it had the composition indicated on the label.

LABEL, IN PART: "The Original Dr. Gaymont's Yogourt Culture."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements appearing on the window streamers and in leaflets which accompanied the article were false and misleading since they represented and suggested that Yogourt prepared with the article would be effective to enable the user to live longer, to enjoy youth for extra years, to maintain the health of those who are healthy and restore health to those who are unhealthy, and to remedy intestinal disorders. The article would not be effective for those purposes.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2094.

DISPOSITION: March 13, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10900. Misbranding of Rosell Institute's Original Yogurt Culture. U. S. v. 18 Packages * * *, and a number of circulars and leaflets. (F. D. C. No. 18694. Sample No. 36947–H.)

LIBEL FILED: January 3, 1946, Western District of Washington.

ALLEGED SHIPMENT: By International Yogurt Co., from Beverly Hills, Calif. The product was shipped on or about November 3, 1945, and the circulars were enclosed in the shipping cases with the product. A portion of the leaflets was received by the consignee during the month of October 1944, and a portion was received subsequent to that date.

PRODUCT: 18 packages of Rosell Institute's Original Yogurt Culture, and 200 circulars entitled "Yogurt Culture A Health Aid" and about 500 leaflets entitled "Keep Young With Rosell Institute Yogurt Culture," at Seattle, Wash. Examination of the product showed that it was a culture of viable lactobacilli, as represented in the labeling.

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the circulars and leaflets which accompanied the article were false and misleading since they represented and suggested that milk cultured with the article would enable the consumer to enjoy better than average health, to retain beauty for a long time, and to keep the spirit of youth for many years; that it would greatly aid health and vitality, prolong life, prevent dysfunction of the vital organs, particularly the gastrointestinal tract, prevent premature old age, and fight unfriendly microbes; and that it constituted an adequate treatment for chronic constipation, colitis, ulcers, and allied intestinal conditions. The article would not be effective for such purposes.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2093.

DISPOSITION: March 25, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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[1] (10890) Prosecution contested. Contains opinion of the court.

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[1] (10890) Prosecution contested. Contains opinion of the court.

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ERRATA

F. N. J. 10343: After LABEL, IN PART, line 2, change "Silica" to "Sicilia."

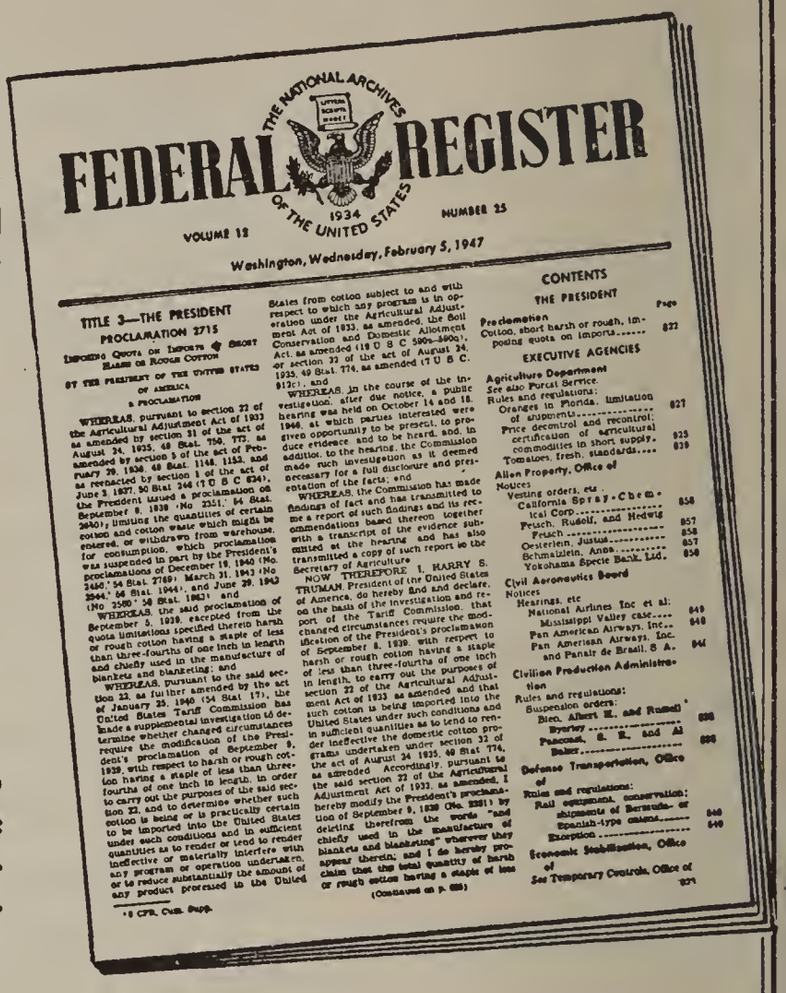
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3. **Notice of proposed rule making,**

and further providing that no person shall in any manner be required to resort to organization or procedure not so published.



THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 12 — 1934 — NUMBER 25

Washington, Wednesday, February 5, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2715

IMPOSING QUOTA ON IMPORTS OF SHORT HARSH OR ROUGH COTTON

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act of 1933 as amended by section 31 of the act of August 24, 1935, 49 Stat. 750, 7?, as amended by section 5 of the act of February 29, 1936, 49 Stat. 1148, 1152, and as reenacted by section 1 of the act of June 3, 1937, 50 Stat. 246 (7 U S C 624), the President issued a proclamation on September 8, 1939 (No. 2351, 54 Stat. 2404), limiting the quantities of certain cotton and cotton waste which might be entered, or withdrawn from warehouse, for consumption, which proclamation was suspended in part by the President's proclamations of December 18, 1940 (No. 2466, 54 Stat. 2749), March 31, 1943 (No. 2644, 56 Stat. 1044), and June 29, 1943 (No. 2580, 58 Stat. 1062); and

WHEREAS, the said proclamation of September 8, 1939, excepted from the quota limitations specified therein harsh or rough cotton having a staple of less than three-fourths of one inch in length and chiefly used in the manufacture of blankets and blanketing; and

WHEREAS, pursuant to the said section 22, as further amended by the act of January 25, 1940 (54 Stat. 17), the United States Tariff Commission has made a supplemental investigation to determine whether changed circumstances require the modification of the President's proclamation of September 8, 1939, with respect to harsh or rough cotton having a staple of less than three-fourths of one inch in length, in order to carry out the purposes of the said section 22, and to determine whether such cotton is being or is practically certain to be imported into the United States under such conditions and in sufficient quantities as to render or tend to render ineffective or materially interfere with any program or operation undertaken or to reduce substantially the amount of any product processed in the United States from cotton subject to and with respect to which any program is in operation under the Agricultural Adjustment Act of 1933, as amended, the Soil Conservation and Domestic Allotment Act, as amended (16 U S C 590a–590q), or section 32 of the act of August 24, 1935, 49 Stat. 774, as amended (7 U S C. 612c); and

WHEREAS, in the course of the investigation, after due notice, a public hearing was held on October 14 and 18, 1946, at which parties interested were given opportunity to be present, to produce evidence and to be heard, and, in addition to the hearing, the Commission made such investigation as it deemed necessary for a full disclosure and presentation of the facts; and

WHEREAS, the Commission has made findings of fact and has transmitted to me a report of such findings and its recommendations based thereon together with a transcript of the evidence submitted at the hearing and has also transmitted a copy of such report to the Secretary of Agriculture; and

NOW THEREFORE I, HARRY S. TRUMAN, President of the United States of America, do hereby find and declare, on the basis of the investigation and report of the Tariff Commission, that changed circumstances require the modification of the President's proclamation of September 8, 1939, with respect to harsh or rough cotton having a staple of less than three-fourths of one inch in length, to carry out the purposes of section 22 of the Agricultural Adjustment Act of 1933 as amended and that such cotton is being imported into the United States under such conditions and in sufficient quantities as to tend to render ineffective the domestic cotton program undertaken under section 32 of the act of August 24 1935, 49 Stat. 774, the said section 22 of the Agricultural Adjustment Act of 1933, as amended. Accordingly, pursuant to authority vested in me by the said section 22 of the Agricultural Adjustment Act of 1933, as amended, I hereby modify the President's proclamation of September 8, 1939 (No. 2351) by deleting therefrom the words "and chiefly used in the manufacture of blankets and blanketing" wherever they appear therein; and I do hereby proclaim that the total quantity of harsh or rough cotton having a staple of less

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THE FEDERAL REGISTER publishes daily the full text of Presidential Proclamations and Executive orders and any order, regulation, notice, or similar document promulgated by Federal administrative agencies which has general applicability and legal effect. A partial list of subjects covered includes:

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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

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NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

10901–11100

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

OSCAR R. EWING, *Administrator, Federal Security Agency.*

WASHINGTON, D. C., *December 19, 1947.*

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BEVERAGES AND BEVERAGE MATERIALS*

10901. Adulteration of coffee. U. S. v. 131 Bags * * *. (F. D. C. No. 19664. Sample No. 41611–H.)

LIBEL FILED: April 10, 1946, District of Maryland.

ALLEGED SHIPMENT: On or about September 16, 1945, from Santos, Brazil.

PRODUCT: 131 100-pound bags of coffee at Baltimore, Md., in possession of Belt's Wharf Warehouses, Inc. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the product contained rodent pellets.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

*See also Nos. 11033, 11034, 11042, 11064.

DISPOSITION: May 10, 1946. J. Aron and Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned upon the segregation of the unfit portion from the fit portion, under the supervision of the Federal Security Agency.

10902. Adulteration of tomato juice. U. S. v. 2,960 Cases * * *. (F. D. C. No. 19668. Sample No. 29978–H.)

LIBEL FILED: April 15, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about January 22, 1946, by Walter M. Field and Co., from Oakland, Calif.

PRODUCT: 2,960 cases, each containing 24 1-pint, 2-fluid-ounce cans, of tomato juice at Jersey City, N. J.

LABEL, IN PART: (Cans) "Filigree Tomato Juice * * * Filigree Quality Foods, Inc., Jersey City, New Jersey Distributors."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: December 2, 1946. The National Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

10903. Misbranding of cider. U. S. v. 199 Cases, etc. (F. D. C. No. 19124. Sample No. 30053–H.)

LIBEL FILED: February 26, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about November 19, 1945, by the Pacific Coast Vinegar Co., from Seattle, Wash.

PRODUCT: 199 cases, each containing 4 1-gallon jugs, and 199 cases, each containing 6 ½-gallon jugs, of cider at San Francisco., Calif. Examination showed that the product was undergoing alcoholic and acetous fermentation, resulting in a mixture of cider and vinegar.

LABEL, IN PART: "Ford's Sweet Cider Made from Washington Apples."

NATURE OF CHARGE: Misbranding, Section 403 (a), the name "Sweet Cider" was false and misleading as applied to a mixture of cider and vinegar.

DISPOSITION: March 27, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10904. Adulteration of imitation fruit sirups. U. S. v. 10 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 19461, 19580, 19704, 20009. Sample Nos. 5514–H, 9839–H, 56648–H, 56650–H, 59666–H.)

LIBELS FILED: March 26 and 29, April 24, and May 16, 1946, Eastern District of Pennsylvania, Western District of New York, District of Massachusetts, and Western District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of April 30 and July 7, 1945, by the Atlantic Food Packing Co., from Trenton, N. J.

PRODUCT: 1,083 cases and cartons, each containing 24 1-pint bottles, and 258 1-pint bottles of imitation fruit flavoring sirups, in various lots, at Philadelphia and Pittsburgh, Pa., Lawrence, Mass., and Olean, N. Y. Samples of these products were found to be fermented and decomposed.

LABEL, IN PART: "Imitation Cherry [or "Strawberry," "Grape," "Raspberry," "Root Beer," or "Punch"] Frute-Ade Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances.

DISPOSITION: April 22, June 3 and 7, and September 4, 1946. No claimants having appeared, judgments of condemnation were entered and the products were ordered destroyed.

10905. Adulteration of imitation fruit sirups. U. S. v. 84 Cases * * *. (F. D. C. No. 19247. Sample No. 5511–H.)

LIBEL FILED: February 25, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 1, 1945, by A. A. Freund, from Buffalo, N. Y.

PRODUCT: 84 cases, each containing 24 pint bottles, of imitation fruit sirups at Manayunk, Pa. Examination showed that the products were fermented.

LABEL, IN PART: "Imitation Strawberry [or "Orange," "Raspberry," or "Cherry"] Frute-Ade Syrup 1 Pint Made By Atlantic Food Packing Co. Trenton, N. J."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed substances.

DISPOSITION: March 26, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

10906. Adulteration of beverage bases. U. S. v. 2 Barrels * * * (and 4 other seizure actions). (F. D. C. Nos. 19601, 19789, 19790, 20000, 20228. Sample Nos. 45438–H, 45556–H to 45559–H, incl., 51201–H, 57102–H, 57105–H, 59006–H.)

LIBELS FILED: Between the dates of April 23 and June 7, 1946, Northern District of California and Districts of Minnesota, Montana, and Massachusetts.

ALLEGED SHIPMENT: Between the approximate dates of July 2, 1945, and March 21, 1946, by C. O. and W. D. Sethness Co., from Chicago, Ill.

PRODUCT: Beverage bases. 2 10-gallon barrels at Red Wing, Minn., 16 1-gallon jugs and 5 1-gallon jugs at San Francisco and Stockton, Calif., respectively, 8 1-gallon bottles at Havre, Mont., and 2 1-gallon bottles at Swampscott, Mass.

LABEL, IN PART: "Cosco Grape," "Cosco Golden Dawn Lemonade," "Cosco Dairy Orange," "Cosco Imitation Cherry Soda Water Flavor," "Cosco Orange * * * Concentrate," or "Cosco Golden Dawn Orange Base."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the articles contained an added poisonous and deleterious substance, monochloracetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the articles and could have been avoided by good manufacturing practice.

DISPOSITION: Between the dates of June 19 and October 21, 1946. No claimant having appeared for any of the lots, judgments of condemnation were entered and the products were ordered destroyed.

10907. Misbranding of beverage stabilizer. U. S. v. 3 Jugs * * *. (F. D. C. No. 19621. Sample No. 46076–H.)

LIBEL FILED: April 15, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about May 3, 1945, by the Penrith-Akers Manufacturing Co., from Minneapolis, Minn.

PRODUCT: 3 1-gallon jugs of beverage stabilizer at Sacramento, Calif.

LABEL, IN PART: "P. and A. Brand Gallon Pacex A Stabilizer containing water, salts, and esters of monochloracetic acid."

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling was misleading since the trade name "Pacex" coupled with the directions for use represented to purchasers that the article was wholesome and suitable for use as a component of beverage sirup and beverage for man. The article contained per 100 cc. about 6 grams of monochloracetic acid, which is a poisonous and deleterious substance, and the labeling failed to reveal the material fact that the product contained a poisonous and deleterious substance.

DISPOSITION: June 26, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

10908. Adulteration of bakery products. U. S. v. Robert M. Lehman (Cake Box Products). Plea of nolo contendere. Fine, $300. (F. D. C. No. 19536. Sample Nos. 44044–H, 44045–H, 44167–H to 44170–H, incl.)

INFORMATION FILED: May 29, 1946, Southern District of California, against Robert M. Lehman, trading as Cake Box Products, Los Angeles, Calif.

ALLEGED SHIPMENT: On or about November 19 and 20, 1945, from the State of California into the State of Arizona.

LABEL, IN PART: "Challenger Rolls * * * Fresh from the Cake Box," or "Crown Cinnamon Rolls * * * Crown Bakery."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent hairs, hairs resembling rodent hairs, an unidentified hair, insect fragments, a larva, and a larval fragment; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: June 24, 1946. A plea of nolo contendere having been entered by the defendant, the court imposed a fine of $50 on each count, a total fine of $300.

10909. Adulteration of bakery products. U. S. v. Edward V. Mead (Mead's Bakery). Plea of nolo contendere. Judgment of guilty. Fine, $400. (F. D. C. No. 19510. Sample Nos. 25919–H to 25922–H, incl., 26681–H to 26684–H, incl.)

INFORMATION FILED: March 29, 1946, Western District of Texas, against Edward V. Mead, trading as Mead's Bakery, El Paso, Tex.

ALLEGED SHIPMENT: On or about July 2 and September 14, 1945, from the State of Texas into the State of New Mexico.

LABEL, IN PART: "Mead's Fine Glazed Donuts [or "Fine Cakes," "Wheat Bread," "Fine Bread," or "Fine Pullman White Sliced"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the products consisted in whole or in part of filthy substances by reason of the presence of insect parts and fragments, rodent hair, cat hair, human hair, feather barbules, hairs similar to rodent and cat hairs, and nondescript filth; and, Section 402 (a) (4), they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: April 19, 1946. The defendant having entered a plea of nolo contendere, the court directed that a plea of not guilty be entered on the record. Thereupon the case was submitted to the court on pleadings and evidence on behalf of the Government. The defendant offered no defense, and he was found guilty and fined $400.

10910. Adulteration of bread. U. S. v. Cuneo Bros. & Co. and Pietro Torre. Pleas of nolo contendere. Fine of $1,000 against Pietro Torre; case against Cuneo Bros. & Co. dismissed. (F. D. C. No. 19532. Sample Nos. 29188–H, 29251–H.)

INFORMATION FILED: April 25, 1946, Northern District of California, against Cuneo Bros. & Co., a partnership, San Francisco, Calif., and Pietro Torre, a partner.

ALLEGED SHIPMENT: On or about July 27 and November 29, 1945, from the State of California into the State of Nevada.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hairs, cat hairs, rabbit hairs, unidentified hairs, and feather barbules; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 25, 1946. The defendants having entered pleas of nolo contendere, the court imposed a fine of $500 on each count against Pietro Torre and ordered that the case against the partnership be dismissed upon payment of this fine.

10911. Adulteration of cookies, crackers, and cracker meal. U. S. v. The Maryland Biscuit Co., W. Tilghman Scott, and Andrew M. Gray. Pleas of guilty. Fine of $200 and costs against each defendant. (F. D. C. No. 19520. Sample Nos. 3190–H to 3194–H, incl., 4797–H, 41844–H to 41849–H, incl., 41855–H to 41857–H, incl.)

INFORMATION FILED: March 29, 1946, District of Maryland, against The Maryland Biscuit Co., a corporation, Baltimore, Md., and W. Tilghman Scott, vice president, and Andrew M. Gray, plant superintendent, of the corporation.

ALLEGED SHIPMENT: Between the approximate dates of February 22 and March 5, 1946, from the State of Maryland into the State of Virginia, the District of Columbia, and the State of Delaware.

LABEL, IN PART: "Oatmeal Cookie," "Maryland Chocolate Snaps [or "Graham Crackers," "Ginger Snaps," "Cheese Flips," "Animal Satchels," "Medium Meal," or "Meadowbrook Delicious Tea Cookies"]," "Star Ginger Snaps," "Marbis Graham Crackers," or "Iced Fig Bars."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect fragments, rodent hair fragments, larva head capsules, mites, feather fragments, scale insects, a larva, and a portion of a thrip; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: April 26, 1946. Pleas of guilty having been entered on behalf of the defendants, the court imposed a fine of $200 and costs against each of the three defendants.

10912. Misbranding of vanilla wafers. U. S. v. 99 Cartons * * *. (F. D. C. No. 19436. Sample No. 1165–H.)

LIBEL FILED: March 15, 1946, Western District of North Carolina.

ALLEGED SHIPMENT: On or about February 12, 1946, by Murray Bros., Inc., from Augusta, Ga.

PRODUCT: 99 cartons, each containing 12 11-ounce packages, of cookies at Charlotte, N. C. Examination showed that the boxes were not filled to capacity and that they contained less than the declared weight.

LABEL, IN PART: "Southern Style Vanilla Wafers 11 Ozs. Net Weight Georgia-Carolina Cookie Co. Augusta, Georgia."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container was so filled as to be misleading since the cookies occupied only approximately 60 percent of the capacity of the package; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: April 23, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

CORN MEAL

10913. Adulteration of corn meal. U. S. v. Meridian Grain & Elevator Co., Ltd., and Barnett L. Davis. Pleas of nolo contendere. Fines of $200 against company and $50 against individual. (F. D. C. No. 19551. Sample Nos. 25146–H, 25213–H, 25214–H.)

INFORMATION FILED: August 14, 1946, Southern District of Mississippi, against the Meridian Grain & Elevator Co., Ltd., a partnership, Meridian, Miss., and Barnett L. Davis, a partner.

ALLEGED SHIPMENT: November 26 and December 4, 1945, from the State of Mississippi into the State of Louisiana.

LABEL, IN PART: "Top Quality Meal * * * Manufactured By The Russell Company Mills at Jackson - Meridian - Hattiesburg, Mississippi," or "Matchless Bolted Cream Meal * * * Manufactured by Meridian Grain & Elevator Co. Meridian, Miss."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent excreta fragments, rodent hairs, insect larvae, insect fragments, feather fragments, a mite, and a whole roach; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 29, 1946. Pleas of nolo contendere having been entered on behalf of both defendants, the court imposed fines of $200 against the partnership defendant and $50 against the individual defendant.

10914. Adulteration of corn meal. U. S. v. The Goldcamp Mill Co. and John X. Goldcamp. Pleas of guilty. Fines of $150 against each defendant. (F. D. C. No. 19550. Sample No. 14013–H.)

INFORMATION FILED: May 23, 1946, Southern District of Ohio, against The Goldcamp Mill Co., a corporation, Ironton, Ohio, and John X. Goldcamp, president and treasurer.

ALLEGED SHIPMENT: On or about September 6, 1945, from the State of Ohio into the State of Kentucky.

LABEL, IN PART: "Prize Taker Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, rodent excreta, and rodent hair.

DISPOSITION: June 17, 1946. Pleas of guilty having been entered on behalf of both defendants, the court imposed fines of $150 against each.

10915. Adulteration of corn meal. U. S. v. Leon Enoch Browder. Plea of nolo contendere. Fine, $750 and costs. (F. D. C. No. 18589. Sample No. 22683–H.)

INFORMATION FILED: April 4, 1946, Western District of Kentucky, against Leon Enoch Browder, Fulton, Ky.

ALLEGED SHIPMENT: On or about July 17, 1945, from the State of Kentucky into the State of Tennessee.

LABEL, IN PART: "Cream Fresh Ground Cornmeal Made By Browder Milling Co. Fulton, Kentucky."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 8, 1946. The defendant having entered a plea of nolo contendere, the court imposed a fine of $750 and costs.

10916. Adulteration of corn meal. U. S. v. The Blair Elevator Corporation. Plea of nolo contendere. Defendant fined $100 and costs and placed on probation for 1 year. (F. D. C. No. 19521. Sample Nos. 22694–H, 22970–H.)

INFORMATION FILED: April 9, 1946, District of Kansas, against The Blair Elevator Corp., Atchison, Kans.

ALLEGED SHIPMENT: On or about May 16 and July 17, 1945, from the State of Kansas into the States of Arkansas and Missouri.

PRODUCT: Samples of this product were found to contain rodent excreta pellet fragments, rodent hairs, live and dead insects, and insect fragments.

LABEL, IN PART: "Blair's White Fox Cream Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3) and (4), the article consisted in whole or in part of a filthy substance and had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 7, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $100 and costs on count 1, suspended imposition of sentence on the remaining count, and placed the defendant on probation for 1 year.

10917. Adulteration of corn meal. U. S. v. Nebraska Consolidated Mills Co. (Alabama Flour Mills). Plea of nolo contendere. Fine, $50 and costs. (F. D. C. No. 19515. Sample No. 23079–H.)

INFORMATION FILED: April 3, 1946, Northern District of Alabama, against the Nebraska Consolidated Mills Co., a corporation, trading as the Alabama Flour Mills, at Decatur, Ala.

ALLEGED SHIPMENT: On or about September 6, 1945, from the State of Alabama into the State of Tennessee.

LABEL, IN PART: "Mother's Best White Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, insects, and insect fragments.

DISPOSITION: May 29, 1946. A plea of nolo contendere having been entered, the defendant was fined $50 and costs.

10918. Adulteration of corn meal. U. S. v. Mayfield Milling Co. Plea of nolo contendere. Fine, $750 and costs. (F. D. C. No. 19528. Sample Nos. 23526–H, 23527–H, 23529–H.)

INFORMATION FILED: April 24, 1946, Western District of Kentucky, against Mayfield Milling Co., a corporation, Mayfield, Ky.

ALLEGED SHIPMENT: On or about October 4 and 25, 1945, from the State of Kentucky into the States of Tennessee and Illinois.

LABEL, IN PART: "Jersey Cream Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 26, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $750 and costs.

10919. Adulteration of corn meal. U. S. v. The Crete Mills. Plea of guilty. Fine, $150 and costs. (F. D. C. No. 19533. Sample Nos. 21393–H, 21394–H, 23136–H.)

INFORMATION FILED: May 31, 1946, District of Nebraska, against The Crete Mills, a corporation, Crete, Nebr.

ALLEGED SHIPMENT: On or about October 22 and November 4, 1945, from the State of Nebraska into the State of Missouri.

LABEL, IN PART: "Mammy Lou White [or "Yellow"] Corn Cream Meal Famous Flours, Inc. Omaha, Nebr. Distributor Manufactured By The Crete Mills, Crete, Nebraska," or "Victor White Cream Corn Meal The Crete Mills, Crete, Nebr."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent excreta fragments, rodent hairs, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 20, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $50 on each count, a total fine of $150, plus costs.

10920. Adulteration of corn meal. U. S. v. George Couch & Sons. Plea of guilty. Fine, $50. (F. D. C. No. 19542. Sample No. 52592–H.)

INFORMATION FILED: May 29, 1946, Southern District of Indiana, against George Couch & Sons, a partnership, New Harmony, Ind.

ALLEGED SHIPMENT: On or about October 15, 1945, from the State of Indiana into the State of Kentucky.

LABEL, IN PART: "Harmony Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent excreta.

DISPOSITION: June 7, 1946. A plea of guilty having been entered, the court imposed a fine of $50.

10921. Adulteration of corn meal and flour. U. S. v. Alleghany Milling Co., Inc., John E. Watts, and Joseph E. Moricle. Pleas of guilty. Corporation fined $350; individuals fined $100 each. (F. D. C. No. 18602. Sample Nos. 2337–H, 2350–H, 2351–H.)

INFORMATION FILED: February 25, 1946, Western District of Virginia, against the Alleghany Milling Co., Inc., Covington, Va., and John E. Watts, plant manager, and Joseph E. Moricle, head miller.

ALLEGED SHIPMENT: On or about July 25 and 31, 1945, from the State of Virginia into the State of West Virginia.

LABEL, IN PART: "Virginia's Best White Bolted Corn Meal," or "Alleghany's Best Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of (in the corn meal) insect fragments, rodent excreta pellet fragments, rodent hair fragments, larvae, beetles, adult insect heads, larva head capsules, cast skins, and mites, and (in the flour) insect fragments, larvae, larva head capsules, and larva cast skins; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: July 12, 1946. Pleas of guilty having been entered, the court imposed fines of $350 against the corporation and $100 against each of the individuals.

FLOUR*

Nos. 10922 and 10923 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.) The flour reported in **Nos. 10924 and 10925** failed to meet the standard for enriched flour.

10922. Adulteration of flour. U. S. v. Chehalem Valley Mills. Plea of nolo contendere. Fine, $200. (F. D. C. No. 19516. Sample Nos. 31565–H to 31567–H, incl.)

INFORMATION FILED: May 22, 1946, District of Oregon, against Chehalem Valley Mills, a corporation, Newberg, Oreg.

ALLEGED SHIPMENT: On or about June 27 and July 9, 1945, from the State of Oregon into the State of California.

LABEL, IN PART: "Chehalem Valley Mills High Grade White Swan Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 12, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $100 on each count, a total fine of $200.

10923. Adulteration of flour. U. S. v. 241 Bags * * *. (F. D. C. No. 19663. Sample No. 52860–H.)

LIBEL FILED: April 23, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about November 20 and 30, 1945, from Kansas City, Mo.

PRODUCT: 241 25-pound bags of flour at Zanesville, Ohio, in possession of Zanesville Terminal Warehouse. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the product contained rodent hairs and urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 30, 1946. No claimant having appeared, judgment was entered ordering the product turned over to an institution, for use as stock feed.

10924. Adulteration and misbranding of enriched flour. U. S. v. 14 Bales and 7 Bales * * *. (F. D. C. Nos. 19634, 19785. Sample Nos. 35951–H, 56445–H.)

LIBELS FILED: On or about April 18 and 26, 1946, Western District of Missouri.

ALLEGED SHIPMENT: On or about January 21, 1946, by Moundridge Milling Co., from Moundridge, Kans.

PRODUCT: 14 bales and 7 bales, each containing 10 5-pound bags, of enriched flour at North Kansas City, Mo.

LABEL, IN PART: "Co-op Enriched Flour Bleached Milled For Consumers Cooperative Association North Kansas City, Missouri."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, thiamine (vitamin B_1) and iron, had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for enriched flour since it contained less than 1.60 milligrams of vitamin B_1 and less than 11.7 milligrams of iron per pound, the minimum amount of vitamin B_1 and iron permitted by the regulations.

DISPOSITION: August 13 and 23, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered converted into stock feed.

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*See also No. 10921.

10925. Adulteration and misbranding of enriched self-rising flour. U. S. v. 349 Bags * * *. (F. D. C. No. 19609. Sample No. 49027–H.)

LIBEL FILED: April 18, 1946, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about February 18, 1946, by the Ross Milling Co., from Ottawa, Kans.

PRODUCT: 349 5-pound bags of enriched self-rising flour at Natchez, Miss.

LABEL, IN PART: "Enriched * * * Ross Betsy's Best * * * Self-Rising Flour."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine (vitamin B_1), had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard for enriched self-rising flour since it contained less than 2.0 milligrams of thiamine per pound, the minimum permitted by the definition and standard.

DISPOSITION: May 21, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

MACARONI AND NOODLE PRODUCTS

10926. Adulteration of macaroni products. U. S. v. Salvatore Viviano (Vimco Macaroni Products Co. and S. Viviano Macaroni Manufacturing Co.). Plea of guilty. Fine, $1,000 and costs on count 1. Sentence suspended on remaining 5 counts and defendant placed on probation for 2 years. (F. D. C. No. 19549. Sample Nos. 3243–H, 10360–H to 10362–H, incl., 10370–H, 10371–H.)

INFORMATION FILED: May 17, 1946, Western District of Pennsylvania, against Salvatore Viviano, trading under the names of the Vimco Macaroni Products Co. and the S. Viviano Macaroni Manufacturing Co., Carnegie, Pa.

ALLEGED SHIPMENT: Between the approximate dates of September 7 and 26, 1945, from the State of Pennsylvania into the States of Virginia, West Virginia, and Ohio.

LABEL, IN PART: "Mayfair Club Long Spaghetti," "La Carnegie Brand Macaroni Products Elbows [or "Spaghetti"]," or "Fireside Brand Elbow Macaroni [or "Long Spaghetti"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of larvae head capsules, insect fragments, mites, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: November 25, 1946. The defendant having entered a plea of guilty, the court imposed a fine of $1,000 and costs on count 1. Imposition of sentence was suspended on the remaining 5 counts, and the defendant was placed on probation for a period of 2 years.

10927. Adulteration of macaroni products. U. S. v. Joseph P. Scarpino (Colosseum Macaroni Co.). Plea of nolo contendere. Fine, $400; defendant placed on probation for a period of 2 years. (F. D. C. No. 20112. Sample Nos. 29720–H, 29721–H.)

INFORMATION FILED: January 20, 1947, Northern District of California, against Joseph P. Scarpino, doing business as the Colosseum Macaroni Co., Sacramento, Calif.; charging the defendant with the giving of a false guaranty. The guaranty was given by the defendant to Safeway Stores, Inc., Sacramento, Calif., on or about January 23, 1941. It provided that the articles comprising each shipment or delivery made by the Colosseum Macaroni Co. would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. During June 1945 and prior to June 12, 1945, the defendant sold and delivered a quantity of macaroni products to the Safeway Stores, Inc.; and on or about June 12, 1945, the Safeway Stores, Inc., shipped the same macaroni products from the State of California into the State of Nevada. The macaroni products so guarantied and shipped were adulterated.

LABEL, IN PART: "Colosseum Macaroni Products."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insect parts and rodent and other hairs; and, Section 402 (a) (4), they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 14, 1947. A plea of nolo contendere having been entered, the court imposed a fine of $400 against the defendant on count 1 and sentenced him to 2 years' probation on count 2.

10928. Adulteration of noodle products. U. S. v. LaPremiata Macaroni Corp. and Vincent J. Cuneo. Pleas of nolo contendere. Corporation fined $1,000 and costs; individual defendant fined $100. (F. D. C. No. 19545. Sample Nos. 9663–H, 10393–H, 56056–H, 56068–H.)

INFORMATION FILED: May 14, 1946, Western District of Pennsylvania, against the LaPremiata Macaroni Corp., Connellsville, Pa., and Vincent J. Cuneo, treasurer of the corporation.

ALLEGED SHIPMENT: Between the approximate dates of November 7 and 30, 1945, from the State of Pennsylvania into the States of New York, Ohio, and West Virginia.

LABEL, IN PART: "LaPremiata Macaroni Products Egg Specialties [or "La-Premiata * * * Egg Noodles"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 30, 1946. Pleas of nolo contendere having been entered on behalf of the defendants, the corporation was fined $1,000 and costs, and the individual defendant was fined $100.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

10929. Adulteration of popcorn. U. S. v. Wernimont Grain Co. and Joe Wernimont. Pleas of guilty. Partnership fined $400 and costs. (F. D. C. No. 19519. Sample Nos. 13097–H, 32059–H.)

INFORMATION FILED: April 3, 1946, Northern District of Iowa, against the Wernimont Grain Co., a partnership, Auburn, Iowa, and Joe Wernimont, a partner.

ALLEGED SHIPMENT: On or about April 2 and July 9, 1945, from the State of Iowa into the States of Ohio and California.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets, rodent-gnawed kernels, rodent hairs, and insect fragments, and (portion) of a decomposed substance by reason of the presence of moldy and decomposed kernels.

DISPOSITION: May 7, 1946. Pleas of guilty having been entered, the partnership was fined $400 and costs. No fine was imposed against the individual.

10930. Adulteration of popcorn. U. S. v. 126 Bags * * *. (F. D. C. No. 19243. Sample No. 7336–H.)

LIBEL FILED: February 26, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about August 23, 1945, by the Barteldes Seed Co., from Lawrence, Kans.

PRODUCT: 126 bags, each containing approximately 100 pounds, of popcorn at Newark, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils.

DISPOSITION: August 19, 1946. The Barteldes Seed Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be ground and chopped, or denatured, under the supervision of the Food and Drug Administration, so that it could not be disposed of for human consumption.

10931. Adulteration of popcorn. U. S. v. 70 Bags * * *. (F. D. C. No. 19496. Sample No. 1636–H.)

LIBEL FILED: April 4, 1946, Middle District of North Carolina.

ALLEGED SHIPMENT: Between the approximate dates of October 15 and November 7, 1945, by the Atlanta Popcorn Machine and Supply Co., from Delaware, Ohio.

PRODUCT: 70 bags, each containing 100 pounds, of shelled popcorn at Durham, N. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets and insects.

DISPOSITION: May 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, for use as stock feed.

10932. Adulteration of popcorn. U. S. v. 20 Bags * * *. (F. D. C. No. 19570. Sample No. 51053–H.)

LIBEL FILED: April 2, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about February 6, 1946, by the Milton Sigg Popcorn Co., from Napoleon, Ohio.

PRODUCT: 20 100-pound bags of popcorn at Oakland, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent-gnawed kernels.

DISPOSITION: June 4, 1946. No claimant having appeared, judgment was entered ordering that the product be destroyed unless denatured and disposed of for use as animal feed.

10933. Adulteration of popcorn. U. S. v. 103 Cartons * * *. (F. D. C. No. 19312. Sample No. 51106–H.)

LIBEL FILED: March 26, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about September 22, 1945, by J. B. Robinson, Cleveland, Ohio.

PRODUCT: 103 cartons, each containing 32 12-ounce packages, of popcorn at St. Paul, Minn.

LABEL, IN PART: "Royale Brand Popcorn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect excreta, webbing, and rodent-gnawed and moldy kernels.

DISPOSITION: July 30, 1946. No claimant having appeared, judgment was entered ordering the product destroyed.

10934. Adulteration of popcorn. U. S. v. 27 Cartons * * *. (F. D. C. No. 19344. Sample No. 9837–H.)

LIBEL FILED: March 13, 1946, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 19, 1945, by Theo. Aronstam, from Rochester, N. Y.

PRODUCT: 27 cartons, each containing 48 bags, of popcorn at Erie, Pa. Analysis showed that approximately 20 percent of the product consisted of mineral oil and that approximately 60 percent of the total oil content was mineral oil.

LABEL, IN PART: (Bag) "O-Ke-Doke Cheese Flavored Popcorn * * * sprayed with cheese flavor consisting of aged cheddar cheese, pasteurized and dehydrated, with added sodium phosphate, salt and lactic acid suspended in hydrogenated vegetable oil with added certified artificial coloring. ½ Oz. Net Wgt."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained approximately 20 percent added mineral oil, a deleterious substance, which may have rendered the article injurious to health; and, Section 402 (b) (2), cheese-flavored popcorn with artificially colored mineral oil had been substituted for cheese-flavored popcorn with edible oil.

DISPOSITION: May 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10935. Misbranding of popcorn. U. S. v. 71 Cartons * * *. (F. D. C. No. 19290. Sample Nos. 12853–H, 52523–H.)

LIBEL FILED: March 4, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about January 18 and 25, 1946, by the Better Taste Popcorn Co., from Anderson, Ind.

PRODUCT: 71 cartons, each containing 36 bags, of popcorn at Amelia, Ohio. Examination showed the article to be short-weight.

LABEL, IN PART: "Popcorn Net Weight 2 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents.

DISPOSITION: April 5, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10936. Adulteration of rice. U. S. v. 21 Bags * * *. (F. D. C. No. 19660. Sample No. 52858–H.)

LIBEL FILED: April 24, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about December 1, 1945, from Stuttgart, Ark.

PRODUCT: 21 100-pound bags of rice at Zanesville, Ohio, in possession of Baker Brothers. The article had been stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent pellets were observed on them. Examination showed that the product contained rodent pellets.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 12, 1946. No claimant having appeared, judgment was entered ordering that the product be destroyed.

10937. Adulteration and misbranding of rice bran. U. S. v. 283 Bags * * *. (F. D. C. No. 19701. Sample No. 1373–H.)

LIBEL FILED: April 22, 1946, Southern District of Florida.

ALLEGED SHIPMENT: On or about December 8, 1945, by Liberty Rice Mill, Inc., from Kaplan, La.

PRODUCT: 283 100-pound bags of rice bran at Jacksonville, Fla.

LABEL, IN PART: "Stone Rice Bran Minimum per cent Crude Protein . . . 7.00% * * * Maximum per cent Crude Fibre . . . 27.00%."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture consisting of more than 65 percent rice hulls with bran had been substituted for rice bran.

Misbranding, Section 403 (a), the label statements "Minimum per cent Crude Protein 7.00%" and "Maximum per cent Crude Fibre 27.00%" were false and misleading as applied to the article, which contained less protein and more crude fiber than declared on the label.

DISPOSITION: September 5, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10938. Adulteration and misbranding of Cream of Rice. U. S. v. 96 Cases and 10 Cases * * *. (F. D. C. Nos. 19593, 19594. Sample No. 37195–H.)

LIBELS FILED: May 23, 1946, District of Oregon.

ALLEGED SHIPMENT: On or about December 22, 1945, by the Grocery Store Products Co., from New Orleans, La.

PRODUCT: 106 cases, each containing 24 1-pound, 2-ounce packages, of Cream of Rice at Portland, Oreg.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamin B_1 and riboflavin (vitamin G), had been in part omitted from the article.

Misbranding, Section 403 (a), the label statement "A serving (1 ounce) supplies these percentages of the minimum daily requirements: Vitamin B_1, Infants 60%, Children 1 to 6 years 30%, Children 6 to 12 years 20%, Adults 15% Vitamin G, Infants 16%, Adults 4%" was false and misleading. The

article would provide less than the stated proportions of the minimum daily requirements of vitamin B_1 and riboflavin (vitamin G).

DISPOSITION: October 15, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to a charitable or public institution.

CHOCOLATE AND RELATED PRODUCTS

CANDY*

10939. Adulteration of candy. U. S. v. Hollywood Brands, Inc. (Hollywood Candy Co.). Plea of guilty. Fine, $1,600 and costs. (F. D. C. No. 19537. Sample Nos. 18780–H to 18782–H, incl., 19405–H, 19406–H, 19408–H, 19409–H, 19411–H, 19412–H, 21653–H, 22716–H to 22718–H, incl.)

INFORMATION FILED: June 4, 1946, Eastern District of Illinois, against Hollywood Brands, Inc., trading as the Hollywood Candy Co., Centralia, Ill.

ALLEGED SHIPMENT: Between the approximate dates of July 21 and August 2, 1945, from the State of Illinois into the States of Missouri and Minnesota.

LABEL, IN PART: "Hollywood's Magic," "Hollywood's * * * Milk Chocolate," or "Payday."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of larvae, insect fragments, rodent hair fragments, insects, rodent hair, and setae.

DISPOSITION: July 2, 1946. A plea of guilty having been entered, the court imposed a fine of $200, plus costs, on each of the 8 counts of the information.

10940. Adulteration of candy. U. S. v. 120 Boxes * * *. (F. D. C. No. 19587. Sample No. 49221–H.)

LIBEL FILED: April 8, 1946, Western District of Louisiana.

ALLEGED SHIPMENT: On or about March 11, 1946, by the Lunsford Candy Co., Dallas, Tex.

PRODUCT: 120 boxes each containing 16 candy bars at Abbeville, La.

LABEL, IN PART: "Ko Ko Creme Cocoanut Flavored Fudge Dal-Tex Candy Co. Dallas, Texas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect parts; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 10, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed or disposed of otherwise, as provided by law.

10941. Adulteration of candy. U. S. v. 42 Boxes * * * (and 1 other seizure action). (F. D. C. Nos. 19417, 19418. Sample Nos. 8706–H, 8707–H.)

LIBELS FILED: March 12, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about February 6, 1946, by the Hooton Chocolate Co., from Newark, N. J.

PRODUCT: 11 boxes of candy at New York, N. Y.

LABEL, IN PART: "Hooton's Milk Peanut Jumbo Blocks."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 28, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10942. Adulteration of candy. U. S. v. 5 Cartons * * *. (F. D. C. No. 19358. Sample No. 52634–H.)

LIBEL FILED: On or about March 25, 1946, Southern District of Indiana.

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*See also Nos. 11012, 11096.

ALLEGED SHIPMENT: On or about February 9, 1946, by the Williamson Candy Co., from Chicago, Ill.

PRODUCT: 5 cartons, each containing approximately 80 pounds, of candy at Indianapolis, Ind. Examination showed that the product was scrap candy in which pieces of paper were embedded.

NATURE OF CHARGE: Adulteration, Section 402 (d), the article was confectionery, and it contained a nonnutritive substance, pieces of paper.

DISPOSITION: May 13, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

10943. Adulteration of candy. U. S. v. 44 Cases * * *. (F. D. C. No. 19285. Sample No. 14385–H.)

LIBEL FILED: March 1, 1946, Western District of Kentucky.

ALLEGED SHIPMENT: On or about October 18, 1945, by J. and J. Candy Co., from Charlotte, N. C.

PRODUCT: 44 cases, each containing 20 boxes, of candy at Burkesville, Ky. Examination showed that the product was moldy.

LABEL, IN PART: "J. & J. Candies Marshmallow."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 3, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a county institution, for use as animal feed.

10944. Adulteration and misbranding of candy. U. S. v. 2 Cartons * * *. (F. D. C. No. 19420. Sample No. 8672–H.)

LIBEL FILED: March 14, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about February 13, 1946, by the Sheila Kaye Candy Co., from Brooklyn, N. Y.

PRODUCT: 2 cartons, each containing 40 1-pound boxes, of chocolate candy at Jersey City, N. J. The product contained no cream, butter, eggs, or evaporated milk, and it was short-weight.

LABEL, IN PART: "Sheila Kaye Homemade Chocolates * * * Net Weight 1 Lb."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, cream, butter, evaporated milk, and eggs, had been omitted from the article.

Misbranding, Section 403 (a), the label statement "Ingredients * * * Cream, Butter, Evaporated Milk * * * Eggs" was false and misleading as applied to an article which contained none of these ingredients; Section 403 (a), the designation "Homemade" was false and misleading as applied to a factory-made product; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: April 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

10945. Adulteration and misbranding of candy. U. S. v. 674 Packages, etc. (and 1 other seizure action). (F. D. C. Nos. 19354, 19596. Sample Nos. 43733–H, 43734–H, 49049–H.)

LIBELS FILED: On or about March 15 and April 15, 1946, Southern District of California and Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about October 16 and December 5, 1945, by the Mal Newberg Co., from New York, N. Y.

PRODUCT: 674 2½-ounce packages and 731 1-ounce packages of candy at Los Angeles, Calif., and 191 20-ounce boxes of candy at New Orelans, La. The New Orleans lot was insect-infested and moldy, and the Los Angeles lot was misbranded as indicated under *Nature of Charge.*

NATURE OF CHARGE: New Orleans lot. Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

Los Angeles lot. Misbranding, Section 403 (d), the container was so made, formed, and filled as to be misleading since approximately three times as much candy could be placed in each package; Section 403 (f), the name and place of

business of the manufacturer, packer, or distributor, the statement of the quantity of the contents, and the common or usual name of each ingredient, required by law to appear on the label, were not prominently placed on the label with such conspicuousness as to render them likely to be read by the ordinary individual under customary conditions of purchase and use, since they were printed on the bottom of the packages; and, Section 403 (i) (1), the label failed to bear the common or usual name of the food.

DISPOSITION: May 13 and June 4, 1946. No claimant having appeared, judgments of condemnation were entered. The New Orleans lot was ordered destroyed, and the Los Angeles lot was ordered delivered to a charitable institution.

10946. Misbranding of candy. U. S. v. 40 Cartons * * *. (F. D. C. No. 19330. Sample No. 3691-H.)

LIBEL FILED: March 8, 1946, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 19, 1946, by John F. Birkmeyer and Sons, from Baltimore, Md.

PRODUCT: 40 cartons, each containing 24 2-ounce boxes, of candy at York, Pa. Examination showed that the product consisted of small pieces of candy packed on shredded paper which occupied approximately one-half of the box.

NATURE OF CHARGE: Misbranding, Section 403 (d), the container of the article was so filled as to be misleading, since approximately half of the box was filled with shredded paper.

DISPOSITION: May 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

10947. Misbranding of candy. U. S. v. 10 Dozen Baskets * * *. (F. D. C. No. 19270. Sample No. 29200-H.)

LIBEL FILED: March 5, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about January 12, 1946, by Erman-Bach, from New York, N. Y.

PRODUCT: 10 dozen baskets of candy at Oakland, Calif. The baskets were padded with crushed paper. They were large enough to hold at least two layers of candy and gave the appearance of holding that amount, but they were so packed that all of the confectionery was visible. The bottom of each basket bore a stamp purporting to set forth the mandatory information called for by the law.

LABEL, IN PART: (Stamped on bottom of basket) "Marzipan Candy Net Wt. 4 Oz. Ingredients: Almond & Macaroon Paste, Sugar, Corn Syrup, Conf. Glace, Softening Material, U. S. Certified Food Colors."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container of the article was so filled as to be misleading since the basket was large enough to hold two layers of candy, whereas about half of the basket was padded with crushed paper; Section 403 (f), the name and place of business of the manufacturer, packer, or distributor, the statement of the quantity of the contents, and the common or usual name of each ingredient, required by law to appear on the label, were not prominently placed thereon with such conspicuousness as to render them likely to be read by the ordinary individual under customary conditions of purchase and use; and, Section 403 (i) (2), the label of the article failed to bear the common or usual name of each ingredient, since "Conf. Glace" and "Softening Material" are not common or usual names of ingredients.

DISPOSITION: April 29, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10948. Adulteration and misbranding of popcorn confection. U. S. v. 38 Boxes * * *. (F. D. C. No. 19219. Sample No. 1080-H.)

LIBEL FILED: February 19, 1946, Western District of North Carolina.

ALLEGED SHIPMENT: On or about October 26, 1945, by the Almonette Candy Co., from Lynn, Mass.

PRODUCT: 38 boxes, each containing 60 ¾-ounce bars, of popcorn confection at Murphy, N. C.

LABEL, IN PART: "Tasty Crunchy Delicious Molasses, Peanut Cornette."

NATURE OF CHARGE: Adulteration, Section 402 (d), the article was confectionery and contained a nonnutritive substance, mineral oil.

Misbranding, Section 403 (a), the prominent words "Molasses, Peanut," which preceeded the name "Cornette" on the label, were misleading in that they implied that the product consisted chiefly of molasses and peanuts. The product consisted chiefly of popcorn, corn sirup, and sugar.

DISPOSITION: March 26, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CHOCOLATE AND COCOA PRODUCTS

10949. Adulteration of chocolate. U. S. v. 70 Cases * * *. (F. D. C. No. 19094. Sample No. 14463–H.)

LIBEL FILED: February 7, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about December 11, 1945, by the Idis Chocolate Co., from Brooklyn, N. Y.

PRODUCT: 70 cases, each containing 10 bars, of chocolate at Cleveland, Ohio.

LABEL, IN PART: "Net Weight Ten Pounds Chocolate and Cocoa Manufactured by J. Nadal Aciego Ciudad Trujillo, R. D. For: Ernest Adler Co. New York City Contents: Cocoa Beans & Cocoa Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, and rodent hair fragments.

DISPOSITION: March 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10950. Adulteration of chocolate coating. U. S. v. 63 Bales, etc. (F. D. C. No. 19309. Sample Nos. 12857–H, 12860–H, 53101–H.)

LIBEL FILED: March 11, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about December 10 and 14, 1945, and February 1, 1946, by the Overland Candy Corp., Chicago, Ill.

PRODUCT: 158 bales, each containing 20 10-pound slabs, of chocolate coating at Washington Court House, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, beetles, and insect parts.

DISPOSITION: April 25, 1946. Washington Court House Candy Co., Washington Court House, Ohio, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be destroyed or brought into compliance with the law by elimination of the unfit material, under the supervision of the Food and Drug Administration.

10951. Adulteration of chocolate coating. U. S. v. 30 Bales * * *. (F. D. C. No. 19311. Sample No. 12859–H.)

LIBEL FILED: March 11, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 5, 1945, by the General Food Sales Co., Milton, Mass.

PRODUCT: 30 bales, each containing 20 10-pound slabs, of chocolate coating at Washington Court House, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, beetles, and insect parts.

DISPOSITION: April 25, 1946. Washington Court House Candy Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be disposed of in compliance with the law, under the supervision of the Food and Drug Administration.

10952. Adulteration of milk chocolate coating. U. S. v. 49 Bales * * *. (F. D. C. No. 19320. Sample No. 51048–H.)

LIBEL FILED: March 9, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about November 8, 1945, by Rockwood and Co., from Chicago, Ill.

PRODUCT: 49 bales, each containing 20 10-pound bars, of milk chocolate coating at St. Paul, Minn.

LABEL, IN PART: "Montrose Milk Sweet Milk Chocolate with Lecithin."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, webbing, and insect excreta.

DISPOSITION: April 11, 1946. Trudeau Candies, Inc., St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency.

10953. Adulteration and misbranding of chocolate-flavored sirup. U. S. v. 19 Cases * * *. (F. D. C. No. 19339. Sample Nos. 59616–H, 59630–H.)

LIBEL FILED: March 13, 1946, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 28, 1946, by Silver Hill Products, Inc., from Brooklyn, N. Y.

PRODUCT: 19 cases, each containing 6 96-ounce cans, of chocolate-flavored sirup at Altoona, Pa.

LABEL, IN PART: "Van Delft's Double Strength Chocolate Flavored Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a sirupy solution of sugar, or sugars, with a predominating flavor of molasses had been substituted in whole or in part for "Double Strength Chocolate Flavored Syrup," which the article was represented to be.

Misbranding, Section 403 (a), the label statement "Double Strength Chocolate Flavored Syrup" was false and misleading.

DISPOSITION: May 13, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered denatured and delivered to a charitable institution, for use as hog feed.

10954. Adulteration of fudge ingredients. U. S. v. 3 Boxes * * * (and 1 other seizure action). (F. D. C. Nos. 19396, 19643. Sample Nos. 19639–H, 50775–H.)

LIBELS FILED: March 28 and April 18, 1946, District of Minnesota and Northern District of Iowa.

ALLEGED SHIPMENT: On or about February 6 and 13, 1946, by the Woody Candy Co., from Oklahoma City, Okla.

PRODUCT: 3 boxes at Iowa Falls, Iowa, and 6 cartons at St. Cloud, Minn., each box and carton containing 35 pounds of fudge ingredients.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of live larvae in the Iowa lot and rodent hair fragments in the Minnesota lot; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 24 and June 24, 1946. No claimant having appeared, judgments were entered ordering the condemnation and destruction of the Iowa lot, and the destruction of the Minnesota lot unless it was denatured and disposed of as animal feed.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, **Nos. 10955 to 10960**; that was below the standard for milk fat content, **Nos. 10961 to 10968**; and that was short of the declared weight, **Nos. 10960 and 10969.**

10955. Adulteration of butter. U. S. v. Ernest Egger (Swiss Creamery and Cheese Factory). Plea of guilty. Fine, $200. (F. D. C. No. 19517. Sample No. 28872–H.)

INFORMATION FILED: April 2, 1946, District of Montana, against Ernest Egger, trading as the Swiss Creamery and Cheese Factory, Whitehall, Mont.

ALLEGED SHIPMENT: On or about July 19, 1945, from the State of Montana into the State of Washington.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of an insect seta, insect fragments, a metallic substance, and plant tissue; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 20, 1946. A plea of guilty having been entered, the court imposed a fine of $200.

10956. Adulteration of butter. U. S. v. The Fairmont Creamery Co. Plea of guilty. Fine, $100 and costs. (F. D. C. No. 19518. Sample No. 24819–H.)

INFORMATION FILED: April 2, 1946, Western District of Oklahoma, against The Fairmont Creamery Co., a corporation, trading at Lawton, Okla.

ALLEGED SHIPMENT: On or about July 30, 1945, from the State of Oklahoma into the State of Louisiana.

LABEL, IN PART: "Fairmont's Better Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, feather fragments, and a hair fragment resembling a rat or mouse hair; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 17, 1946. A plea of guilty having been entered on behalf of the defendant, a fine of $100 and costs was imposed.

10957. Adulteration of butter. U. S. v. Quint County Cooperative Creamery. Plea of guilty. Fine, $100 and costs. (F. D. C. No. 19529. Sample No. 26160–H.)

INFORMATION FILED: April 18, 1946, Western District of Oklahoma, against the Quint County Cooperative Creamery, a corporation, Mangum, Okla.

ALLEGED SHIPMENT: On or about July 21, 1945, from the State of Oklahoma into the State of Texas.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, insect and plant fragments, feather barbules, and nondescript dirt; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 23, 1946. A plea of guilty having been entered on behalf of the defendant, a fine of $100 and costs was imposed.

10958. Adulteration of butter. U. S. v. 660 Cases * * *. (F. D. C. No. 19429. Sample No. 13488–H.)

LIBEL FILED: September 27, 1945, Southern District of Indiana.

ALLEGED SHIPMENT: Between the approximate dates of June 21 and July 21, 1945, by St. Louis Independent Packing Co., St. Louis, Mo.

PRODUCT: 660 cases, each containing 66 pounds, of butter at Terre Haute, Ind. Analysis showed that the product contained mold.

LABEL, IN PART: "Butter * * * Packed by F. M. Stamper Co. Moberly, Mo."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 4, 1946. The F. M. Stamper Co., Moberly, Mo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into refined butter oil, under the supervision of the Food and Drug Administration.

10959. Adulteration of butter. U. S. v. 50 Cartons (3,200 pounds) * * *. (F. D. C. No. 19760. Sample No. 50745–H.)

LIBEL FILED: April 8, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about March 8, 1946, by Hankinson Cooperative Creamery, from Hankinson, N. Dak.

PRODUCT: 50 64-pound cartons of butter at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was contaminated with filth in the form of rodent hairs, cat hairs, and a whole weevil.

DISPOSITION: November 15, 1946. Hankinson Cooperative Creamery, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be disposed of in compliance with the law, under the supervision of the Federal Security Agency. Accordingly, the product was denatured and sold to a rendering plant.

10960. Adulteration and misbranding of butter. U. S. v. 12 Cartons (approximately 600 pounds) * * *. (F. D. C. Nos. 19501, 19759. Sample Nos. 19889–H, 51121–H, 51127–H.)

LIBEL FILED: March 20, 1946, District of Minnesota; amended libel filed April 13, 1946.

ALLEGED SHIPMENT: On or about March 5, 7, and 27, 1946, by Charles City Creamery Co., from Charles City, Iowa.

PRODUCT: 12 cartons of butter at Minneapolis, Minn. Four cartons of the product were unlabeled but contained approximately 50 pounds, and the other cartons were labeled as containing 50 pounds. Examination of the labeled cartons disclosed that they were short-weight, and that the product in the unlabeled cartons was contaminated with insect fragments, rat or mouse hairs, and manure fragments.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), a portion of the product consisted in whole or in part of a filthy substance.

Misbranding, Section 403 (e) (1), all lots of the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), they failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the labels of two of the lots failed to bear the common or usual name of the article.

DISPOSITION: May 7, 1946. The Northland Milk Co., Minneapolis, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unadulterated portion be brought into compliance with the law, under the supervision of the Federal Security Agency, and that the adulterated portion be disposed of as animal feed or destroyed.

10961. Adulteration of butter. U. S. v. Brewster Creamery. Plea of guilty. Fine, $150. (F. D. C. No. 19531. Sample Nos. 19709–H, 19811–H.)

INFORMATION FILED: June 27, 1946, District of Minnesota, against Brewster Creamery, a partnership, Brewster, Minn.

ALLEGED SHIPMENT: On or about September 5 and 12, 1945, from the State of Minnesota into the State of New York.

LABEL, IN PART: "Butter Lewis Ebert & Sons, Inc. Distributors New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the product; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 27, 1946. A plea of guilty having been entered, the defendant was fined $150.

10962. Adulteration of butter. U. S. v. Cabot Farmers' Co-Operative Creamery Co., Inc. Plea of guilty. Fine, $150. (F. D. C. No. 19530. Sample Nos. 11573–H, 11574–H, 12321–H.)

INFORMATION FILED: April 26, 1946, District of Vermont, against Cabot Farmers' Co-Operative Creamery Co., Inc., Cabot, Vt.

ALLEGED SHIPMENT: Between the approximate dates of July 18 and September 4, 1945, from the State of Vermont into the States of Massachusetts and New Hampshire.

LABEL, IN PART: "Rosedale Brand."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the food; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: May 16, 1946. A plea of guilty having been entered on behalf of the defendant, a fine of $150 was imposed.

10963. Adulteration of butter. U. S. v. 12 Boxes (768 pounds) * * *. (F. D. C. No. 19477. Sample No. 50740–H.)

LIBEL FILED: March 5, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about February 14, 1946, by the Torigian Produce Co., from Aberdeen, S. Dak.

PRODUCT: 12 64-pound boxes of butter at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: March 27, 1946. The Torigian Produce Co. having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

10964. Adulteration of butter. U. S. v. 11 Cartons (726 pounds) * * *. (F. D. C. No. 19183. Sample Nos. 8325–H, 8332–H.)

LIBEL FILED: December 7, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about November 10, 1945, by the Dairy Products Marketing Association, from Burlington, Vt.

PRODUCT: 11 66-pound cartons of butter at Jersey City, N. J.

LABEL, IN PART: "June Dairy Prod. Co., Inc. * * * Bulk Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: January 28, 1946. The June Dairy Products Co., Inc., Jersey City, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Federal Security Agency.

10965. Adulteration of butter. U. S. v. 10 Cartons (640 pounds) * * *. (F. D. C. No. 19430. Sample No. 19451–H.)

LIBEL FILED: March 5, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about February 16, 1946, by Summit Creamery, Summit, S. Dak.

PRODUCT: 10 cartons, each containing approximately 64 pounds, of butter at New York, N. Y.

LABEL, IN PART: "Meltz Produce Minneapolis, Minn."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: March 28, 1946. The Meltz Produce Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drub Administration.

10966. Adulteration of butter. U. S. v. 119 Cases * * *. (F. D. C. No. 19426. Sample No. 8450–H.)

LIBEL FILED: February 5, 1946, District of Connecticut.

ALLEGED SHIPMENT: On or about January 21, 1946, from New Ulm, Minn., by the Cudahy Packing Co.

PRODUCT: 119 cases, each containing 32 prints, of butter at Bridgeport, Conn.

LABEL, IN PART: (Print) "Cudahy's Sunlight Creamery Butter * * * Net Weight 1 Lb."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: March 5, 1946. The Cudahy Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Federal Security Agency.

10967. Adulteration of butter. U. S. v. 21⅙ Cases * * *. (F. D. C. No. 19762. Sample Nos. 58644–H, 59226–H, 59310–H, 59311–H.)

LIBEL FILED: March 28, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about March 19, 22, and 25, 1946, by the Payette Produce Co., from Payette, Idaho.

PRODUCT: 21⅙ cases of butter at Bremerton, Wash. Each full case contained 30 1-pound prints of the product.

LABEL, IN PART: (Prints) "Gem Creamery Butter M'f'd by Gem Creamery Co., Emmett, Idaho."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: April 12, 1946. The Payette Produce Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for rechurning under the supervision of the Federal Security Agency.

10968. Adulteration of butter. U. S. v. 13 Cubes (832 pounds) * * *. (F. D. C. No. 19761. Sample Nos. 56790–H, 56793–H.)

LIBEL FILED: April 9, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about March 26, 1946, by the Flittie Creamery Co., from Wessington Springs, S. Dak.

PRODUCT: 13 64-pound cubes of butter at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: April 22, 1946. Lamson & Co., Inc., Boston, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Federal Security Agency.

10969. Misbranding of butter. U. S. v. 695 Boxes (approximately 41,700 pounds) * * *. (F. D. C. No. 19427. Sample No. 58211–H.)

LIBEL FILED: January 30, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about January 22, 1946, by the Butte Warehouse & Cold Storage Co., from Butte, Mont.

PRODUCT: 695 boxes, each containing 60 prints, of butter at Seattle, Wash. Examination showed that the product was short-weight.

LABEL, IN PART: (Print) "1 Lb. Net Weight Armour's Cloverbloom Butter"; (cases) "Butter Armour Creameries, Distributors."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the package containing the article did not bear an accurate statement of the quantity of the contents.

DISPOSITION: February 13, 1946. Armour and Co., claimant, having consented to the entry of a decree, the product was ordered released under bond so that the weight of the butter could be increased to the correct amount, under the supervision of the Federal Security Agency.

CHEESE

10970. Adulteration of cheese. U. S. v. Cache Valley Dairy Association and Edwin Gossner. Pleas of nolo contendere. Total fine, $150. (F. D. C. No. 19525. Sample Nos. 29823–H, 29824–H, 43403–H.)

INFORMATION FILED: April 10, 1946, District of Utah, against Cache Valley Dairy Association, a corporation, Smithfield, Utah, and Edwin Gossner, plant manager.

ALLEGED SHIPMENT: On or about June 11 and July 10 and 14, 1945, from the State of Utah into the State of California.

LABEL, IN PART: "Rocky Mountain Brand Swiss Gruyere Type Cheese," or "No. 1 Selected Cheddar Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of whole insects, insect fragments, larvae, nondescript dirt, rodent hair, rodent or cat hair, unidentified hair, straw fragments, feather barbules, and metallic particles; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 9, 1946. Pleas of nolo contendere having been entered on behalf of the defendants, the court imposed a total fine of $150.

10971. Adulteration of cheese. U. S. v. Arno Struve and R. R. Struve (Struve Cheese Factory). Pleas of guilty. Fine of $250 against each defendant. (F. D. C. No. 19511. Sample Nos. 26171–H, 26172–H.)

INFORMATION FILED: November 25, 1946, Northern District of Texas, against Arno Struve and R. R. Struve, trading as Struve Cheese Factory, Abernathy, Tex.

ALLEGED VIOLATION: On or about April 23, 1945, the defendants gave Swift & Co. a guaranty providing that any food shipped or delivered thereafter by the defendants to Swift & Co. would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. On or about July 30, 1945, the defendants sold and delivered a quantity of Cheddar cheese to Swift & Co., at Amarillo, Tex., a part of which product was shipped by the latter firm, from the State of Texas into the State of New Mexico.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, hair of dermestid larvae, rodent hair, plant tissue, fibers, nondescript dirt, a whole cockroach, and a beetle; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 25, 1946. A plea of guilty having been entered by both defendants, the court imposed a fine of $250 against each.

10972. Adulteration of Cheddar cheese. U. S. v. Upper Snake River Valley Dairymen's Association, Inc., Eugene S. Trask, and Harry John Doherty. Pleas of guilty. Fines, $900 against corporate defendant and $50 against each individual defendant. (F. D. C. No. 19523. Sample No. 32495–H.)

INFORMATION FILED: April 22, 1946, District of Idaho, against the Upper Snake River Valley Dairymen's Association, Inc., Rexburg, Idaho, Eugene S. Trask, general manager, and Harry John Doherty, plant manager.

ALLEGED SHIPMENT: On or about October 1, 1945, from the State of Idaho into the State of California.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of insect fragments, cat hair, rodent hair, feather barbules, plant tissue, and nondescript dirt; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth and been rendered injurious to health.

DISPOSITION: August 19, 1946. Pleas of guilty having been entered, the court imposed fines of $450 against the corporate defendant on each of the two counts of the information and $25 against each individual defendant on each of the two counts.

10973. Adulteration of Cheddar cheese. U. S. v. Valley Cooperative Marketing Association and T. Edward Aycock. Pleas of guilty. Corporation fined $175; individual, $25. (F. D. C. No. 19512. Sample No. 25467–H.)

INFORMATION FILED: March 25, 1946, District of Wyoming, against the Valley Cooperative Marketing Association, a corporation, Mountain View, Wyo., and T. Edward Aycock, manager.

ALLEGED SHIPMENT: On or about September 12, 1945, from the State of Wyoming into the State of Utah.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, nondescript dirt, fibers, and a feather barbule; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 15, 1946. Pleas of guilty having been entered on behalf of the defendants, fines of $175 and $25 were imposed against the corporate defendant and the individual defendant, respectively.

10974. Adulteration of Cheddar cheese. U. S. v. Fred Reinman (Farmersburg Cheese Factory). Plea of guilty. Fine, $350 and costs. (F. D. C. No. 19543. Sample No. 19519–H.)

INFORMATION FILED: May 16, 1946, Northern District of Iowa, against Fred Reinman, trading as Farmersburg Cheese Factory, Farmersburg, Iowa.

ALLEGED SHIPMENT: On or about November 1, 1945, from the State of Iowa into the State of Wisconsin.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of a fruit fly, fragments of house flies and other insects, rodent hair fragments, feather fragments, cow hairs, and manure particles; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 11, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $350 and costs.

10975. Adulteration of cream cheese with nuts. U. S. v. Meyer Zausner. Plea of guilty. Fine, $500. (F. D. C. No. 19540. Sample No. 5789–H.)

INFORMATION FILED: October 3, 1946, Eastern District of Pennsylvania, against Meyer Zausner, New Holland, Pa.

ALLEGED SHIPMENT: On or about September 20, 1945, from the State of Pennsylvania into the State of New York.

LABEL, IN PART: "Made for Chock-Full-O-Nuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy and decomposed substance by reason of the presence of larvae, insect parts, rodent hair fragments, and insect-infested and moldy walnuts.

DISPOSITION: November 12, 1946. A plea of guilty having been entered by the defendant, the court imposed a fine of $500.

10976. Adulteration of process cheese. U. S. v. Frank Pilley and Sons, Inc., Frank E. Pilley, Jr., and Newton M. Seibert Plea of guilty on behalf of the corporation; fine, $750 and costs. Plea of nolo contendere by the individuals; fine, $15 each. (F. D. C. No. 19541. Sample Nos. 18698–H to 18700–H, incl.)

INFORMATION FILED: May 15, 1946, Northern District of Iowa, against Frank Pilley and Sons, Inc., Sioux City, Iowa, and Frank E. Pilley, Jr., and Newton M. Seibert, president and sales manager, respectively, of the corporation.

ALLEGED SHIPMENT: On or about September 7, 1945, from the State of Iowa into the State of South Dakota.

LABEL, IN PART: "Pilley's Pasteurized Process Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, setae, mites, rodent hair fragments, cow hairs, manure fragments, and nondescript dirt; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: On May 28, 1946, a plea of guilty having been entered on behalf of the corporation, it was fined $750 and costs. On September 17, 1946, pleas of nolo contendere having been entered by the individuals, they were each fined $15.

10977. Adulteration of Cheddar cheese. U. S. v. 96 Boxes * * *. (F. D. C. No. 19690. Sample No. 8765–H.)

LIBEL FILED: April 22, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about March 12, 1946, by Schmitt Brothers and Walther, from Platteville, Wis.

PRODUCT: 96 75-pound boxes of Cheddar cheese at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, insect fragments, and manure fragments; and, Section

402 (a) (4), it had been prepared under unsanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 10, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10978. Adulteration of grated cheese. U. S. v. 49 Cartons * * * and 4 other seizure actions). (F. D. C. Nos. 19754, 19755, 19770, 19811, 19956. Sample Nos. 8491–H, 8909–H, 12671–H, 57030–H, 59656–H.)

LIBELS FILED: Between the dates of May 2 and May 28, 1946, Districts of Massachusetts and Connecticut and Northern District of Ohio.

ALLEGED SHIPMENT: Between the approximate dates of March 19 and April 18, 1946, by the Empire State Cheese Co., from Olean, N. Y.

PRODUCT: Grated cheese. 650 pounds at Boston, Mass., 1,430 pounds at New Haven, Conn., and approximately 550 pounds at Youngstown, Ohio.

LABEL, IN PART: (Portions) "Escco Cheese Empire State Cheese Co. * * * Olean, N. Y. * * *," or "Temptation Brand Prima Gualita Ricotta Salata."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, rodent excreta, insects, insect excreta, mites, and nondescript dirt; and (all cheese, except 1,350 pounds at New Haven), Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 31, June 22 and 24, and September 20, 1946. No claimant having appeared, judgments of condemnation were entered and 1,350 pounds of the product at New Haven was ordered delivered to a rendering plant for salvage of the fat for nonedible purposes, and the remainder of the product was ordered destroyed.

10979. Adulteration of cheese. U. S. v. 21 Cartons * * * (and 3 other seizure actions). (F. D. C. Nos. 19251 to 19253, incl., 19739. Sample Nos. 3684–H to 3686–H, incl., 5069–H, 5070–H, 8093–H, 8094–H, 65004–H, 65215–H.)

LIBELS FILED: February 26 and 27 and May 1, 1946, Eastern District of Pennsylvania, District of New Jersey, and District of Maryland.

ALLEGED SHIPMENT: Between the approximate dates of December 18, 1945, and April 1, 1946, by the Hygrade Food Products Corp., from New York, N. Y.

PRODUCT: 21 cartons, each containing 96 2-ounce packages, of grated cheese, 75 cartons, each containing 12 2-pound loaves, of Cheese Food, and 300 cartons, each containing 6 5-pound loaves, of Lunch Loaf at Philadelphia, Pa.; 4 cartons, each containing 72 8-ounce packages, of process cheese and 33 cartons, each containing 96 2-ounce packages, of grated cheese at Newark, N. J.; and 21 8-ounce cartons of process cheese and 8 cartons, each containing 12 2-ounce packages, and 40 cartons, each containing 12 1½-ounce packages, of grated cheese at Baltimore, Md.

LABEL, IN PART: "Pasteurized Lunch Loaf Provolone Flavor," "Hygrade's Italian Style Grated Cheese," "Hygrade's Grated American Cheddar Cheese," "Hygrade's American Pasteurized Process Cheese," "Hygrade's Feast * * * Cheese Food," or "Hygrade's Swiss Pasteurized Process Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent hair fragments and (portion) insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: April 1, July 8, and August 14, 1946. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

10980. Adulteration of Provolone cheese. U. S. v. 480 Cartons * * *. (F. D. C. No. 19480. Sample No. 8763–H.)

LIBEL FILED: March 28, 1946, Eastern District of New York.

ALLEGED SHIPMENT: On or about August 3, 1945, by the Stella Cheese Co., from Clayton, Wis.

PRODUCT: 480 cartons, each containing approximately 45 pounds, of Provolone cheese at Brooklyn, N. Y.

LABEL, IN PART: "Giant Provolone."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent-gnawed cheese and rodent excreta.

DISPOSITION: April 22, 1946. Cumberland Dairy Products, Inc., Brooklyn, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law by removal of the unfit portion, which was to be destroyed or denatured under the supervision of the Food and Drug Administration.

MISCELLANEOUS DAIRY PRODUCTS

10981. Adulteration of cream. U. S. v. 33 1-Gallon Cans * * *. (F. D. C. Nos. 16727, 16729, 18433, 18435, 18436, 19988. Sample Nos. 26599–H, 26600–H, 26875–H to 26877–H, incl., 47854–H.)

LIBELS FILED: June 8 and 11, September 27, and November 5, 1945, and May 2, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about June 5 and 6 and September 19 and 22, 1945, and April 22, 1946, by the Armour Creameries, Inc., from Superior, Nebr., the Mid-State Creamery, from Hastings, Nebr., the Calder Creamery Co., from Vernal, Utah, and the Judevine Creamery, from Douglas, Wyo.

PRODUCT: 33 10-gallon cans of cream at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of filthy, decomposed, or putrid animal substances.

DISPOSITION: June 8 and 12, October 2, and November 5, 1945, and May 2, 1946. The consignees having consented to the immediate destruction of the cream, judgments were entered ordering that the product be destroyed.

10982. Misbranding of condensed buttermilk. U. S. v. 63 Barrels * * *. (F. D. C. No. 19214. Sample No. 5243–H.)

LIBEL FILED: February 14, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 14, 1945, by the Jersey Milk and Cream Co., from La Fargeville, N. Y.

PRODUCT: 63 barrels, each containing approximately 400 pounds, of condensed buttermilk at Leesport, Pa. This product contained not more than 0.19 percent of fat, which is less than condensed buttermilk should contain. It contained less fat, protein, lactic acid, and total solids than declared on the label.

LABEL, IN PART: "Lacto-Protein Condensed Buttermilk * * * Protein 10.00% Fat 2% Lactic Acid 6.00% Total Solids 27.00%."

NATURE OF CHARGE: Misbranding, Section 403 (a), the designation "Condensed Buttermilk" and the statements "Protein 10.00% Fat 2% Lactic Acid 6.00% Total Solids 27.00%," borne on the label, were false and misleading.

DISPOSITION: March 6, 1946. The Jersey Milk and Cream Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

10983. Misbranding of nonfat dry milk solids. U. S. v. 42 Barrels, etc. (F. D. C. No. 19394. Sample No. 19547–H.)

LIBEL FILED: March 28, 1946, Northern District of Iowa.

ALLEGED SHIPMENT: On or about December 5, 1946, by the M. Fitzgerald and Son Dairy Products Co., from Grand Rapids, Minn.

PRODUCT: 42 barrels, each containing 170 pounds, and 8 barrels, each containing 225 pounds, of nonfat dry milk solids at Cedar Rapids, Iowa.

LABEL, IN PART: "Dried Skim Milk Powder Roller Process Manufactured By The Grand Rapids Creamery Company Grand Rapids, Minnesota."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product purported to be and was represented as nonfat dry milk solids, a food for which a definition and standard of identity has been prescribed by law, and it failed to conform to the definition and standard since it was not made from sweet milk of

cows as provided in the definition and standard, but was made from neutralized sour skim milk.

DISPOSITION: July 31, 1946. The Grand Rapids Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into animal feed, under the supervision of the Food and Drug Administration.

EGGS AND EGG PRODUCTS

10984. Adulteration of frozen eggs. U. S. v. 1,040 Cans * * *. (F. D. C. No. 18532. Sample No. 26332–H.)

LIBEL FILED: December 6, 1945, Western District of Texas.

ALLEGED SHIPMENT: On or about September 25, 1945, by the Sunny State Distributing Co., from Albuquerque, N. Mex.

PRODUCT: 1,040 30-pound cans of frozen eggs at El Paso, Tex.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 4, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10985. Adulteration and misbranding of frozen eggs. U. S. v. 25 Cans * * *. (F. D. C. No. 19439. Sample No. 8096–H.)

LIBEL FILED: March 18, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about February 4, 1946, by L. Meyer and Co., Inc., from Jersey City, N. J.

PRODUCT: 25 30-pound cans of frozen eggs at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of frozen eggs, water, and yellow coal-tar color had been substituted in whole or in part for frozen eggs; Section 402 (b) (3), inferiority had been concealed by the addition of yellow coal-tar color; and, Section 402 (b) (4), water had been added to the article so as to increase its bulk or weight and reduce its quality or strength, and yellow coal-tar color had been added to the article and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity prescribed by the regulations since it contained added water and yellow coal-tar color, which are not permitted ingredients of frozen eggs in the definition and standard.

DISPOSITION: April 3, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10986. Adulteration of shell eggs. U. S. v. 50 Cases * * *. (F. D. C. No. 18473. Sample No. 7384–H.)

LIBEL FILED: November 30, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about November 8, 1945, by L. Meyer & Co., Inc., from Jersey City, N. J.

PRODUCT: 50 cases each containing 30 dozen shell eggs at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: January 9, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10987. Adulteration of frozen whole eggs. U. S. v. 136 Cans * * *. (F. D. C. No. 18464. Sample No. 8129–H.)

LIBEL FILED: November 27, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about November 14, 1945, by Albert and Gerber, from Jersey City, N. J.

PRODUCT: 136 30-pound cans of frozen whole eggs at New York, N. Y.

LABEL, IN PART: (Portion) "Whole Eggs * * * Carl Ahlers Incorporated * * * New York"; (remainder) "Albert & Gerber New York, N. Y. Whole Eggs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 4, 1946. Albert & Gerber, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed, or denatured, under the supervision of the Food and Drug Administration.

10988. Adulteration and misbranding of frozen whole eggs. U. S. v. 100 Tins * * *. (F. D. C. No. 19481. Sample No. 8097–H.)

LIBEL FILED: April 2, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about February 5, 1946, by the Independent Food Products Co., Inc., from Newark, N. J.

PRODUCT: 100 30-pound tins of frozen whole eggs at New York, N. Y.

LABEL, IN PART: "Whole Eggs, Stabilizing Syrup, Salt."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of frozen eggs, water, and yellow coal-tar color had been substituted in whole or in part for frozen eggs; and, Section 402 (b) (4), water had been added to the article so as to increase its bulk or weight and reduce its quality or strength, and yellow coal-tar color had been added to the article and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity prescribed for frozen eggs since it contained added water and yellow coal-tar color, which are not permitted ingredients of frozen eggs in the definition and standard.

DISPOSITION: October 15, 1946. No claimant having appeard, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

10989. Adulteration of dried egg albumen. U. S. v. 1 Drum * * *. (F. D. C. No. 19452. Sample No. 1621–H.)

LIBEL FILED: On or about March 26, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about October 15, 1945, by the Consumers Import Co., Inc., from New York, N. Y.

PRODUCT: 1 90-pound drum of dried egg albumen at Atlanta, Ga. The product was used as a food ingredient.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its repulsive odor.

DISPOSITION: May 14, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FISH AND SHELLFISH

10990. Adulteration of frozen hake fillets. U. S. v. 849 Boxes * * *. (F. D. C. Nos. 19478, 19495. Sample Nos. 6859–H, 63202–H, 63205–H to 63207–H, incl., 63209–H.)

LIBELS FILED: March 28 and April 4, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about July 22 and August 2, 1945, by the Dartmouth Fillet Co., from New Bedford, Mass.

PRODUCT: 1,937 10-pound boxes of frozen hake fillets at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: April 18, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10991. Adulteration of frozen hake fillets. U. S. v. 747 Boxes * * * (and 2 other seizure actions). (F. D. C. Nos. 19665, 19692, 19732. Sample Nos. 63201–H, 63203–H, 63204–H, 63211–H, 63217–H, 63222–H, 63224–H.)

LIBELS FILED: April 12, 19, and 30, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about July 29 and August 1 and 5, 1945, by the Dartmouth Fillet Co., from New Bedford, Mass.

PRODUCT: 1,764 10-pound boxes of frozen hake fillets at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: May 6, 8, and 16, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10992. Adulteration of frozen hake fillets. U. S. v. 1,554 Boxes * * *. (F. D. C. No. 19228. Sample Nos. 6837–H, 6841–H.)

LIBEL FILED: February 25, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about January 2, 1946, by the Empire Fish Co., Gloucester, Mass.

PRODUCT: 1,554 10-pound boxes of frozen hake fillets at New York, N. Y.

LABEL, IN PART: "8 Bells Fillet Co. New Bedford, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 24, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10993. Adulteration of frozen tullibees. U. S. v. 289 Boxes * * * (and 6 other seizure actions). (F. D. C. Nos. 19062, 19065, 19066, 19074, 19084, 19098, 19123. Sample Nos. 15308–H, 19870–H, 19871–H, 19956–H, 19957–H, 19961–H, 19964–H, 19965–H, 50925–H.)

LIBELS FILED: February 5, 6, 7, 8, and 11, 1946, District of Minnesota and Eastern District of Wisconsin.

ALLEGED SHIPMENT: Between the approximate dates of November 3, 1945, and January 18, 1946, by Keystone Fisheries, Ltd., from Winnipeg, Canada.

PRODUCT: Frozen tullibees. 289 130-pound boxes at Minneapolis, Minn.; 540 120-pound boxes and 154 30-pound boxes at St. Paul, Minn.; 230 130-pound boxes and 577 120-pound boxes at Duluth, Minn.; and 50 120-pound boxes at Green Bay, Wis.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: March 29, April 1, 11, and 22, and May 22, 1946. The Northern Fish Products Co., St. Paul, Minn., and Keystone Fisheries, Ltd., having appeared as claimants for the St. Paul and Duluth lots, respectively, and having consented to the entry of decrees, and no claimant having appeared for the other lots, judgments of condemnation were entered. It was ordered that the Duluth and St. Paul lots be released under bond for conversion into animal feed, under the supervision of the Federal Security Agency; that the Minneapolis lot be destroyed unless converted into animal feed; and that the Wisconsin lot be destroyed.

10994. Adulteration of frozen tullibees. U. S. v. 74 Boxes * * * (and 2 other seizure actions). (F. D. C. Nos. 19073, 19086, 19153. Sample Nos. 19960–H, 19969–H, 51103–H.)

LIBELS FILED: February 5, 7, and 16, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about October 31 and November 4 and 13, 1945, by Canadian Fish Producers, Ltd., from Winnipeg, Canada.

PRODUCT: 74 boxes and 50 boxes, each containing 120 pounds, of frozen tullibees at Duluth, Minn., and 4 100-pound boxes of the same product at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: April 29, May 22, and June 4, 1946. Sivertson Bros. Fisheries, Duluth, Minn., and the Morey Fish Co., Motley, Minn., having appeared as claimants for the Duluth lots, and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that these lots be released under bond for conversion into animal feed, under the supervision of the Federal Security Agency. No claimant having appeared for the Minneapolis lot, judgment was entered ordering that it be destroyed, unless denatured, and disposed of as animal feed.

10995. Adulteration of frozen tullibees. U. S. v. 320 Boxes * * * (and 1 other seizure action). (F. D. C. Nos. 19085, 19099. Sample Nos. 19736–H, 19968–H.)

LIBELS FILED: February 7 and 8, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about October 27, 1945, and January 16, 1946, by Armstrong Gimli Fisheries, from Winnipeg, Canada.

PRODUCT: 320 boxes, each containing about 120 pounds, of frozen tullibees at Duluth, Minn., and 154 130-pound boxes at St. Paul, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: April 22 and 29, 1946. The Northern Fish Products Co., St. Paul, Minn., and the Morey Fish Co., Motley, Minn., claimants, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be converted into animal feed, under the supervision of the Federal Security Agency.

10996. Adulteration of frozen whiting and frozen hake and cod fillets. U. S. v. 1,328 Boxes of Frozen Whiting (and 1 other seizure action against frozen fish). (F. D. C. Nos. 19288, 19767. Sample Nos. 63225–H, 63226–H, 70355–F.)

LIBELS FILED: March 7 and May 8, 1946, District of Colorado and Southern District of New York.

ALLEGED SHIPMENT: On or about June 18, September 17, and October 4, 1945, by Superior Fillets, Inc., from New Bedford, Mass.

PRODUCT: 1,328 10-pound boxes of frozen whiting at Denver, Colo., and 51 20-pound cans of frozen hake fillets and 48 20-pound cans of frozen cod fillets at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of (whiting) a putrid substance or (hake and cod fillets) a decomposed substance.

DISPOSITION: On April 23, 1946, the shipper of the Denver lot having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed. On May 23, 1946, no claimant having appeared for the New York lot, judgment of condemnation was entered and it was ordered that a portion of the product be released to the Federal Security Agency and that the remainder be destroyed.

10997. Adulteration of frozen whiting. U. S. v. 790 Cartons, etc. (F. D. C. No. 19606. Sample No. 52850–H.)

LIBEL FILED: April 11, 1946, Southern District of Indiana.

ALLEGED SHIPMENT: On or about March 6, 1946, by the B. A. Griffin Co., from Milwaukee, Wis.

PRODUCT: 790 Cartons and 312 boxes, each containing 20 pounds, of frozen whiting at Fort Branch, Ind.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a putrid substance.

DISPOSITION: June 10, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. The product was converted into fertilizer.

10998. Adulteration of spiced herring. U. S. v. 17 Cases * * *. (F. D. C. No. 19303. Sample No. 46561–H.)

LIBEL FILED: March 8, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about April 21, 1945, by the Verne Peterson Co., from Seattle, Wash.

PRODUCT: 17 cases, each containing 24 jars, of spiced herring at San Jose, Calif. Examination showed that the product was undergoing active decomposition.

LABEL, IN PART: (Jars) "Fancy Eastern Cut Spiced Herring 13 Oz. Net."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: April 29, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10999. Adulteration of frozen clams. U. S. v. 2 Boxes, etc. (F. D. C. No. 19654. Sample No. 37483–H.)

LIBEL FILED: April 24, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about November 10, 1945, by Knut Thompson for Chris Dahl, from Petersburg, Alaska.

PRODUCT: 2 250-pound boxes and 6 2½-pound bricks of frozen clams at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained a poisonous and deleterious substance, *Gonyaulax* toxin, which may have rendered the product injurious to health.

DISPOSITION: July 30, 1946, No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11000. Adulteration of frozen clams. U. S. v. 34 Cases * * *. (F. D. C. No. 19595. Sample No. 59307–H.)

LIBEL FILED: April 10, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about March 16, 1946, by Chris Dahl, from Petersburg, Alaska.

PRODUCT: 34 cases, each containing 12 No. 10 cans, of frozen clams at Seattle, Wash.

LABEL, IN PART: "Frozen Clams From Haines Oyster Company Seattle."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained a poisonous and deleterious substance, *Gonyaulax* toxin, which may have rendered the article injurious to health.

DISPOSITION: May 31, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11001. Adulteration of frozen clams. U. S. v. 109 Cases * * *. (F. D. C. No. 19638. Sample No. 37485–H.)

LIBEL FILED: On or about April 17, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about February 13, 1946, by the Alaskan Glacier Sea Food Co., from Petersburg, Alaska.

PRODUCT: 109 Cases, each containing 6 cans, of frozen clams at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained a poisonous and deleterious substance, *Gonyaulax* toxin.

DISPOSITION: July 30, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11002. Adulteration of frozen shrimp. U. S. v. 13 Boxes * * *. (F. D. C. No. 19262. Sample Nos. 6839–H, 6843–H.)

LIBEL FILED: March 5, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about September 26, 1945, by Arnold and Arnold, Southport, N. C.

PRODUCT: 13 boxes, containing a total of approximately 1,900 pounds, of frozen shrimp at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 24, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11003. Adulteration of frozen shrimp. U. S. v. 7 Boxes * * *. (F. D. C. No. 19255. Sample Nos. 6838–H, 6842–H.)

LIBEL FILED: March 12, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about September 3, 1945, by the Sea Food Specialty Co., Peter Kittles, and George Kittles, from Valona, Ga.

PRODUCT: 7 boxes, containing a total of approximately 826 pounds, of frozen shrimp at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 24, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11004. Adulteration of frozen shrimp. U. S. v. 305 Cases and 32 Cases * * *. (F. D. C. Nos. 19348, 19619. Sample Nos. 15032–H, 46068–H.)

LIBELS FILED: March 15 and April 19, 1946, Northern Districts of California and Illinois.

ALLEGED SHIPMENT: On or about January 21 and February 19, 1946, by the K. P. Sales Co., from Nogales, Ariz.

PRODUCT: Frozen shrimp. 305 50-pound cases at Sacramento, Calif., and 32 50-pound cases at Chicago, Ill.

LABEL, IN PART: "Queen of the Gulf Frozen Fresh Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: June 19 and 27, 1946. The Meredith Fish Co., Sacramento, Calif., having appeared as claimant for the Sacramento lot, and having consented to the entry of a decree, and no claimant having appeared for the Chicago lot, judgments of condemnation were entered. The Sacramento lot was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration, and the Chicago lot was ordered destroyed.

11005. Adulteration of frozen shrimp. U. S. v. 55 Cases * * *. (F. D. C. No. 19486. Sample No. 10978.)

LIBEL FILED: On April 8, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about February 17, 1946, by the Capitol Fish Co., from Foley, Ala.

PRODUCT: 55 cases, each containing 5 10-pound boxes, of frozen shrimp at Atlanta, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: May 27, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11006. Adulteration of frozen fresh shrimp. U. S. v. 13 Cases * * *. (F. D. C. No. 19369. Sample No. 33084–H.)

LIBEL FILED: March 21, 1946, District of Nevada.

ALLEGED SHIPMENT: On or about February 28, 1946, by the Meredith Fish Co., from Sacramento, Calif.

PRODUCT: 13 cases, each containing 10 5-pound cartons, of frozen fresh shrimp at Reno, Nev.

LABEL, IN PART: "Queen of The Gulf Frozen Fresh Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 12, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUITS AND VEGETABLES

CANNED AND DRIED FRUIT

11007. Misbranding of canned red, sour, pitted cherries. U. S. v. 44 Cases * * *. (F. D. C. No. 19597. Sample No. 58273–H.)

LIBEL FILED: April 15, 1946, District of Montana.

ALLEGED SHIPMENT: On or about January 23, 1946, by Varney Canning, Inc., from Roy, Utah.

PRODUCT: 44 cases, each containing 6 6 pound, 6-ounce cans, of red, sour, pitted cherries at Bozeman, Mont.

LABEL, IN PART: "Leota Brand Water Packed Red Sour Pitted Cherries."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product failed to conform to the standard of quality for pitted canned cherries, since more than one pit was present in each 20 ounces of canned cherries and its label failed to bear the substandard legend.

DISPOSITION: August 23, 1946. No claimant having appeared, judgment was entered and the product was ordered delivered to a charitable institution.

11008. Misbranding of canned pears. U. S. v. 498 Cases, 146 Cases, and 61 Cases * * *. (F. D. C. Nos. 19456, 19482, 19980. Sample Nos. 35932–H, 35945–H, 35948–H, 40403–H.)

LIBELS FILED: On or about March 28, April 15, and June 24, 1946, Western District of Missouri.

ALLEGED SHIPMENT: On or about January 16 and February 12 and 13, 1946, by the Kuhn Cannery Co., from Bonner Springs, Kans.

PRODUCT: Canned pears. 498 and 146 cases at Kansas City and 61 cases at Joplin, Mo. Each case contained 24 1-pound, 12-ounce cans.

LABEL, IN PART: "Dollie Mae Whole Halves Kieffer Pears In Light Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article failed to bear the name of the optional packing medium ingredient present, as required by the definition and standard of identity for canned pears. It was labeled "In Light Syrup," whereas it was packed in a medium designated in the standard as "Slightly Sweetened Water." Further misbranding, Section 403 (h) (1), the article fell below the standard of quality; it failed to meet the test for tenderness prescribed in the standard; all units were not untrimmed or so trimmed as to preserve their normal shape; and the article was not labeled to show that it was substandard.

DISPOSITION: August 27, 1946. The Kuhn Canning Co., claimant, having consented to the entry of decrees, and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was relabeled.

11009. Adulteration of figs. U. S. v. 142 Cases * * *. (F. D. C. No. 19607. Sample No. 15322–H.)

LIBEL FILED: April 17, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 20, 1945, by Rosenberg Brothers and Co., from Modesto, Calif.

PRODUCT: 142 30-pound cases of figs at Chicago, Ill.

LABEL, IN PART: "Sultan Brand Fancy Adriatic Figs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested, moldy, and sour figs.

DISPOSITION: June 28, 1946. The Steele-Wedeles Co., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond for distillation into alcohol, under the supervision of the Food and Drug Administration and the Alcohol Tax Unit.

11010. Adulteration of figs. U. S. v. 36 Cases * * *. (F. D. C. No. 19387. Sample No. 25690–H.)

LIBEL FILED: April 2, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about December 7, 1945, by the Braun Importing Co., from New York, N. Y.

PRODUCT: 36 28-pound cases of figs at Denver, Colo.

LABEL, IN PART: "Macaroni Figs * * * Packed and Shipped by Sunhi Erhin & Co. Izmir-Turkey."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles and larvae.

DISPOSITION: May 20, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11011. Adulteration of dates. U. S. v. 29 Boxes * * *. (F. D. C. No. 19554. Sample No. 58242–H.)

LIBEL FILED: On or about April 4, 1946, District of Montana.

ALLEGED SHIPMENT: On or about December 5, 1945, by Ritter and Co., from Los Angeles, Calif.

PRODUCT: 29 boxes of dates at Billings, Mont.

LABEL, IN PART: "Golden Ripe Brand Dates Indio, California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, beetles, and insect parts.

DISPOSITION: May 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11012. Adulteration and misbranding of dates and date confection. U. S. v. 15 Cartons * * * (and 1 other seizure action). (F. D. C. Nos. 19576, 19825. Sample Nos. 44197–H, 58179–H.)

LIBELS FILED: April 3 and May 6, 1946, Western District of Washington and Eastern District of Oklahoma.

ALLEGED SHIPMENT: On or about December 12, 1945, and March 1, 1946, by Garden of the Setting Sun, from Mecca, Calif.

PRODUCT: 15 15-pound cartons of dates at Everett, Wash., and 10 cases, each containing 24 1-pound packages, of a date confection at Ardmore, Okla.

LABEL, IN PART: "Garden of the Setting Sun Brand Mecca, California Fresh Dates," or "Edna Cast's All-Purpose Pitted and Blended Dates with Honey, Corn Syrup, Graham Crumbles."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the dates consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested and moldy dates, and the date confection consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments.

Misbranding, Section 403 (a), the designation "Pitted and Blended Dates," borne on the label of the date confection, was misleading as applied to the article which was a mixture of dates, honey, corn sirup, and graham cracker crumbs.

DISPOSITION: May 31 and June 25, 1946. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

11013. Adulteration of dried peaches and dried apricots. U. S. v. 290 Bags, etc. (F. D. C. No. 19572. Sample Nos. 52912–H, 52915–H.)

LIBEL FILED: March 29, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about April 17, 1945, by A. M. Brauer, from Lindsay, Calif.

PRODUCT: 290 bags of dried peaches and 263 bags of dried apricots at Cincinnati, Ohio. Each bag contained approximately 70 pounds.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy and decomposed substances by reason of the presence of rodent excreta and moldy and decomposed fruit.

DISPOSITION: May 15, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed. They were utilized as hog feed.

11014. Adulteration of dried pears. U. S. v. 120 Cartons * * *. (F. D. C. No. 19655. Sample No. 47830–H.)

LIBEL FILED: April 22, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about February 26, 1946, by the Vagim Packing Co., from Fresno, Calif.

PRODUCT: 120 25-pound cartons of dried pears at Denver, Colo.

LABEL, IN PART: "Fan-Fare Brand Fancy California Pears."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets and insects.

DISPOSITION: June 4, 1946. The Vagim Packing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be used in the distillation of alcohol, under the supervision of the Food and Drug Administration.

11015. Adulteration of dried prunes. U. S. v. 150 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 19575, 19888. Sample Nos. 12669–H, 12670–H, 37895–H.)

LIBELS FILED: May 9 and June 23, 1946, Districts of Massachusetts and Oregon.

ALLEGED SHIPMENT: On or about November 26 and December 18, 1945, by the Washington Growers Packing Corp., from Vancouver, Wash.

PRODUCT: Dried prunes. 150 25-pound cases at Boston, Mass., and 210 25-pound boxes at Portland, Oreg. Examination showed that the Boston lot contained moldy and decomposed prunes and that the Portland lot contained prunes affected with brown rot.

LABEL, IN PART: "Bestwest Clark County Prunes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 7 and 8, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

11016. Adulteration of raisins. U. S. v. 244 Cartons, etc. (and 3 other seizure actions). (F. D. C. Nos. 19340, 19352, 19488, 20250. Sample Nos. 1364–H, 5317–H, 19448–H, 19449–H, 34919–H.)

LIBELS FILED: March 14 and 15, April 3, and June 11, 1946, District of Minnesota, Southern Districts of Illinois and Florida, and Eastern District of Pennsylvania.

ALLEGED SHIPMENT: January 18, 21, and 22 and March 22, 1946, by the Central California Packing Co., from Del Rey, Calif.

PRODUCT: Raisins. 244 cartons, each containing 16 2-pound packages, and 272 cartons, each containing 8 4-pound packages, at Minneapolis, Minn.; 600 cartons, each containing 16 2-pound packages, and 100 30-pound cases at Springfield, Ill.; 343 30-pound cases at Jacksonville, Fla.; and 2,200 30-pound cases at Philadelphia, Pa.

LABEL, IN PART: "Ditto Brand Thompson Seedless Raisins," or "Del Cara Brand ["Choice" or "Fancy"] Thompson Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed and moldy raisins.

DISPOSITION: May 17, June 11, and July 8, 1946. The Central California Packing Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be utilized in the manufacture of distilled spirits.

11017. Adulteration of raisins. U. S. v. 650 Cases * * *. (F. D. C. No. 19632. Sample No. 56505–H.)

LIBEL FILED: On or about April 19, 1946, Western District of Missouri.

ALLEGED SHIPMENT: On or about January 22, 1946, by the Central California Packing Co., from Del Rey, Calif.

PRODUCT: 650 30-pound cases of seedless raisins at Kansas City, Mo.

LABEL, IN PART: "Del Cara Brand Thompson Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and decomposed raisins.

DISPOSITION: May 17, 1946. Gabel Johnson Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

11018. Adulteration of raisins. U. S. v. 1,800 Cartons * * * (and 1 other seizure action). (F. D. C. Nos. 19751, 20582. Sample Nos. 8384–H, 8396–H, 63733–H.)

LIBELS FILED: May 6 and August 6, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about October 25, 1945, and January 11, 1946, by Guggenhime and Co., from Fresno and Modesto, Calif.

PRODUCT: Raisins. 1,800 30-pound cartons and 2,251 30-pound cartons at Jersey City, N. J. Examination showed the presence of moldy and decomposed raisins.

LABEL, IN PART: "Pansy Brand California Fancy Seeded Muscat Raisins," or "Tiger Brand California Choice Golden Bleached Thompson Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: September 13 and December 18, 1946. Meredith White, Newark, N. J., and the National Biscuit Co., claimants, having admitted the allegation of the libels, judgments of condemnation were entered and the product was ordered released under bond so that it could be used in the manufacture of distilled spirits, under the supervision of the Food and Drug Administration.

11019. Adulteration of raisins. U. S. v. 840 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 19489, 20278. Sample Nos. 5057–H, 5064–H, 41850–H.)

LIBELS FILED: April 1 and June 19, 1946, Eastern Districts of Virginia and Pennsylvania.

ALLEGED SHIPMENT: On or about January 23, 1946, by Del Rey Packing Co., from Del Rey, Calif.

PRODUCT: Seedless raisins. 840 30-pound cases at Norfolk, Va., and 1,100 30-pound cartons at Philadelphia, Pa.

LABEL, IN PART: "De Luxe Brand Choice Thompson Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and decomposed raisins.

DISPOSITION: June 11 and July 25, 1946. The Southgate Brokerage Co., Inc., Norfolk, Va., and Harry H. Schlotzhauer and Co., Philadelphia, Pa., claimants, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be manufactured into distilled spirits, under the supervision of the Food and Drug Administration.

11020. Adulteration of raisins. U. S. v. 840 Cases, etc. (and 1 other seizure action). (F. D. C. Nos. 19272, 19854. Sample Nos. 19899–H, 20872–H, 20873–H.)

LIBELS FILED: March 12 and May 9, 1946, Western District of Missouri and Northern District of Iowa.

ALLEGED SHIPMENT: On or about January 18 and 19, 1946, by Del Rey Packing Co., from Del Rey, Calif.

PRODUCT: 1,204 30-pound cases, 919 boxes, and 840 cases, each containing 16 2-pound bags, of seedless raisins at Kansas City, Mo., and Sioux City, Iowa.

LABEL, IN PART: "Lee [or "De Luxe"] Brand Choice Thompson Seedless Raisins," or "Lee * * * Thompson Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of a decomposed substance by reason of the presence of moldy and decomposed raisins.

DISPOSITION: May 7 and June 19, 1946. Del Rey Packing Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was utilized in the manufacture of alcohol.

11021. Adulteration of raisins. U. S. v. 952 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 19332, 19624, 19795. Sample Nos. 15030–H, 15031–H, 15035–H, 35073–H.)

LIBELS FILED: March 8, April 19, and May 10, 1946, Northern District of Illinois and Eastern District of Missouri.

ALLEGED SHIPMENT: On or about November 5 and December 12, 1945, and January 11, 1946, by the Turlock Dehydrator and Packing Co., from Turlock, Calif.

PRODUCT: Raisins. 305 cases and 2,199 cases at Chicago, Ill., and 952 cases at St. Louis, Mo., each case containing 30 pounds.

LABEL, IN PART: "Kanco Brand * * * Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the 305-case lot of the article consisted in whole or in part of a filthy substance by reason of the presence of insects, and the other 2 lots of the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and rotten raisins.

DISPOSITION: April 30, May 24, and June 27, 1946. No claimant having appeared for the 305-case lot of insect-infested raisins, the product was condemned and ordered destroyed. The Turlock Dehydrator and Packing Co. having appeared as claimant for the other lots, and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be used in the production of alcohol, under the supervision of the Federal Security Agency or the Alcohol Tax Unit.

11022. Adulteration of raisins. U. S. v. 2,149 Cartons * * *. (F. D. C. No. 19649. Sample No. 15034–H.)

LIBEL FILED: May 2, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 26, 1945, by the Bear Stewart Co., from Turlock, Calif.

PRODUCT: 2,149 30-pound cartons of raisins at Chicago, Ill.

LABEL IN PART: "Kanco Brand Thompson Seedless Raisins Packed By Turlock Dehydrator & Packing Co. Turlock, California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy raisins.

DISPOSITION: June 3, 1946. The Turlock Dehydrator & Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for conversion into alcohol, under the supervision of the Federal Security Agency.

11023. Adulteration of raisins. U. S. v. 2,476 Cartons * * * (and 1 other seizure action). (F. D. C. Nos. 19341, 21688. Sample Nos. 51116–H, 53351–H, 53890–H.)

LIBELS FILED: March 15 and November 6, 1946, District of Minnesota and Western District of Kentucky.

ALLEGED SHIPMENT: On or about December 11, 1944, and February 1, 1946, by the Consolidated Packing Co., from San Francisco and Fresno, Calif.

PRODUCT: Raisins. 2,476 30-pound cartons at St. Paul, Minn., and 12 cartons, each containing 72 6-pound packages, and 13 30-pound cartons at Louisville, Ky. The St. Paul lot contained moldy raisins, and the Louisville lot was insect-infested.

LABEL, IN PART: "Honey Bunch Brand * * * Thompson Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), a portion of the article consisted in whole or in part of a decomposed substance, and the remainder, of a filthy substance.

DISPOSITION: April 16, 1946, and January 22, 1947. The Consolidated Packing Co., claimant for the St. Paul lot, having consented to the entry of a decree, and no claimant having appeared for the Louisville lot, judgments of condemnation were entered. The St. Paul lot was ordered released under bond, conditioned that it be reprocessed for commercial use, under the supervision of the Federal Security Agency. The Louisville lot was ordered delivered to a charitable institution, for use as animal feed.

11024. Adulteration of raisins. U. S. v. 2,461 Cases * * *. (F. D. C. No. 19573. Sample No. 15326–H.)

LIBEL FILED: May 22, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 7, 1946, by the Enoch Packing Co., from Del Rey, Calif.

PRODUCT: 2,461 30-pound cases of raisins at Chicago, Ill.

LABEL, IN PART: "Air Port Choice Recleaned Natural Sultanas Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed raisins.

DISPOSITION: September 6, 1946. L. Karp and Sons, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for conversion into raisin brandy, under the supervision of the Federal Security Agency.

11025. Adulteration of raisins. U. S. v. 270 Cartons * * * (and 2 other seizure actions). (F. D. C. Nos. 19383, 19631, 19719. Sample Nos. 10889–H, 15013–H, 53001–H.)

LIBELS FILED: April 3, 15, and 30, 1946, Northern District of Illinois and Southern and Western Districts of New York.

ALLEGED SHIPMENT: Between the approximate dates of January 7 and February 4, 1946, by Harry Hall and Co., Inc., from San Francisco, Empire, and Modesto, Calif.

PRODUCT: Raisins. 270 cartons at Chicago, Ill., 836 cartons at New York, N. Y., and 824 cartons at Buffalo, N. Y., each carton containing 30 pounds.

LABEL, IN PART: "Hall Seal Choice Golden Bleached Thompson Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy raisins.

DISPOSITION: May 9 and 23 and June 28, 1946. Lester Lawrence and Son, Chicago, Ill., claimant for the Chicago lot, and Harry Hall and Co., Inc., claimant for the remaining lots, having consented to the entries of decrees, judgments of condemnation were entered and the product was ordered released under bond so that it could be used in the distillation of alcohol, under the supervision of the Food and Drug Administration.

11026. Adulteration of raisins. U. S. v. 450 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 19308, 19889. Sample Nos. 8383–H, 8395–H, 56328–H.)

LIBELS FILED: March 6 and May 9, 1946, Western District of Oklahoma and District of New Jersey.

ALLEGED SHIPMENT: On or about November 15, 1945, and January 22, 1946, by the Fewel Brothers Packing Co., from Parlier, Calif.

PRODUCT: 464 boxes, each containing 30 pounds, and 450 cases, each containing 48 15-ounce packages, of raisins at Jersey City, N. J., and Oklahoma City, Okla., respectively.

LABEL, IN PART: "Fewel's Shamrock Brand Fancy [or "Choice"] Thompson Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of decomposed and moldy raisins.

DISPOSITION: September 16, 1946, and April 30, 1947. The Fewel Brothers Packing Co., Fresno, Calif., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be used solely for distillation purposes, under the supervision of the Food and Drug Administration.

11027. Adulteration of raisins. U. S. v. 60 Cases and 265 Cases * * *. (F. D. C. No. 19747. Sample Nos. 5061–H, 5062–H.)

LIBEL FILED: May 6, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 24, 1946, by The Boothe Fruit Co., from Modesto, Calif.

PRODUCT: 325 30-pound cases of seedless raisins at Philadelphia, Pa.

LABEL, IN PART: "Sun Nugget Golden Bleached Thompson Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and decomposed raisins.

DISPOSITION: July 25, 1946. The Boothe Fruit Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be utilized in wine making, under the supervision of the Food and Drug Administration.

11028. Adulteration of raisins. U. S. v. 150 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 19388, 19389. Sample Nos. 25689–H, 47092–H.)

LIBEL FILED: April 2, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about December 1, 1945, and January 16, 1946, by The Boothe Fruit Co., from Modesto and Empire, Calif.

PRODUCT: 150 30-pound cases and 46 30-pound cases of raisins at Denver, Colo.

LABEL, IN PART: "Sun Nugget Brand Fancy Golden Bleached Thompson Seedless Raisins," or "Sun Nuggets From California Golden Bleach Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and decomposed raisins.

DISPOSITION: June 10, 1946. The Boothe Fruit Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be used in the manufacture of alcohol, under the supervision of the Food and Drug Administration.

11029. Adulteration of raisins. U. S. v. 149 Cartons * * *. (F. D. C. No. 19602. Sample No. 45565–H.)

LIBEL FILED: April 23, 1946, Territory of Hawaii.

ALLEGED SHIPMENT: On or about March 26, 1946, by Ziel and Co., San Francisco, Calif.

PRODUCT: 149 30-pound cartons of raisins at Honolulu, T. H.

LABEL, IN PART: "Pel Pak Brand Choice Thompson Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy raisins.

DISPOSITION: July 17, 1946. Love's Biscuit and Bread Co., Ltd., claimant, having admitted that the product was adulterated, judgment of condemnation was entered and the product was ordered released under bond so that it could be reshipped to San Francisco to be sold for distillation purposes, under the supervision of the Food and Drug Administration.

11030. Adulteration of raisins. U. S. v. 60 Cases * * *. (F. D. C. No. 19640. Sample No. 23654–H.)

LIBEL FILED: April 19, 1946, Western District of Texas.

ALLEGED SHIPMENT: On or about January 14, 1946, by the Pacific Raisin Co., from Fowler, Calif.

PRODUCT: 60 30-pound cases of seedless raisins at Eagle Pass, Tex.

LABEL, IN PART: "Selmor Brand Choice Thompson Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy raisins.

DISPOSITION: July 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS FRUIT AND FRUIT PRODUCTS*

11031. Adulteration of fruit-nut assortment. U. S. v. 11 Cases * * *. (F. D. C. No. 19139. Sample No. 47449–H.)

LIBEL FILED: February 15, 1946, District of Utah.

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*See also Nos. 10903, 10906.

ALLEGED SHIPMENT: On or about December 1, 1945, by Cal Foods, from Los Angeles, Calif.

PRODUCT: Fruit-nut assortment. 11 cases, each containing 24 14-ounce packages, at Salt Lake City, Utah.

LABEL, IN PART: "Fruit-Nut Banquet A Choice Assortment of California Grown Fruits and Nuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, insects, and insect fragments; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 22, 1946. No claimant having appeared, judgment was entered ordering that the product be utilized as animal feed.

11032. Adulteration of olives. U. S. v. 40 Kegs * * *. (F. D. C. No. 19359. Sample No. 45470–H.)

LIBEL FILED: March 18, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about February 4, 1946, by the Lopopolo Olive Oil Co., from Fresno, Calif.

PRODUCT: 40 kegs, each containing approximately 100 pounds, of olives at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of rodent hairs and rotten olives.

DISPOSITION: July 11, 1946. The Lopopolo Olive Oil Co., Fresno, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for conversion into olive oil for nonfood or drug purposes, under the supervision of the Federal Security Agency.

11033. Adulteration of evaporated grape juice. U. S. v. 18 Barrels, etc. (F. D. C. No. 19681. Sample No. 56794–H.)

LIBEL FILED: April 18, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about March 6, 1946, by the Raisin Syrup Co., from Fowler, Calif.

PRODUCT: 18 600-pound barrels and 2,634 cases, each case containing 12 1-pint, 12-ounce bottles, of evaporated grape juice at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, monochloracetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice.

DISPOSITION: October 28, 1946. No claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed and that the containers be salvaged.

11034. Adulteration and misbranding of canned pineapple juice. U. S. v. 145 Cases * * *. (F. D. C. No. 19329. Sample No. 38678–H.)

LIBEL FILED: March 11, 1946, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about June 21, 1945, by the Miller Brothers Foods Co., from Edinburg, Tex.

PRODUCT: 145 cases, each containing 12 cans, of pineapple juice at Milwaukee, Wis. Examination showed that the product was short-volume.

LABEL, IN PART: "Tropic Gold Brand Unsweetened Pineapple Juice Net Contents 1 Qt. 14 Fl. Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its metallic flavor.

Misbranding, Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: August 7, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11035. Adulteration of marmalade. U. S. v. 64 Dozen Packages * * *. (F. D. C. No. 19136. Sample Nos. 17673–H to 17675–H, incl,)

LIBEL FILED: February 14, 1946, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about July 19, 1945, by the Lapham Jelly Co., from Cocoa, Fla.

PRODUCT: 64 dozen 9-ounce packages of marmalade at Detroit, Mich.

LABEL, IN PART: "Pure Tangerine [or "Grapefruit," or "Kumquat"] Marmalade Alligator Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: March 13, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

VEGETABLES AND VEGETABLE PRODUCTS

11036. Adulteration of carob beans. U. S. v. 57 Bags * * *. (F. D. C. No. 19567. Sample Nos. 39602–H, 39603–H.)

LIBEL FILED: April 8, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 28, 1944, by Davis and Co., from Baltimore, Md.

PRODUCT: 57 110-pound bags of carob beans at Chicago, Ill.

LABEL, IN PART: "N. Spyropoulos Extra Selected Produce of Cyprus."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.

DISPOSITION: May 21, 1946. The Western Food Corporation, Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the removal and the elimination of the worm-infested portions, under the supervision of the Food and Drug Administration.

11037. Adulteration of carob beans. U. S. v. 7 Bags * * *. (F. D. C. No. 19507. Sample No. 7234–H.)

LIBEL FILED: April 10, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about November 30, 1944, by the Becker-Mayer Seed Co., Baltimore, Md.

PRODUCT: 7 110-pound bags of carob beans at New York, N. Y.

LABEL, IN PART: "N. Spyropoulos Extra Selected Produce of Cyprus."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, webbing, and insect excreta.

DISPOSITION: May 8, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11038. Adulteration of canned pork and beans. U. S. v. 99 Cases * * * (and 7 other seizure actions). (F. D. C. Nos. 19278 to 19281, incl., 19376, 19408 to 19410, incl. Sample Nos. 17275–H, 59612–H to 59615–H, incl., 59617–H to 59619–H, incl.)

LIBELS FILED: March 4, 11, and 21, 1946, Western and Middle Districts of Pennsylvania, Eastern District of Illinois, and Northern District of West Virginia.

ALLEGED SHIPMENT: On or about December 11, 13, and 14, 1945, and February 26 and 27, 1946, by the Illinois Canning Co., from Hoopeston, Ill., and Green Bay and Milwaukee, Wis.

PRODUCT: 2,172 cases, each containing 24 1-pound, 3-ounce cans, of pork and beans, in various lots, at Johnstown and Altoona, Pa., Hoopeston, Ill., and Wheeling and Moundsville, W. Va. Examination showed that the product was sour.

LABEL, IN PART: "Joan of Arc Pork & Beans With Tomato Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: April 8 and 17 and May 13 and 20, 1946. No claimant having appeared for any of the lots, judgments of condemnation were entered and the product was ordered destroyed.

11039. Adulteration of canned cut beets. U. S. v. 134 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 19714 to 19716, incl. Sample Nos. 65301–H to 65303–H, incl.)

LIBELS FILED: April 26, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 27, 1945, by Alton Canning Co., Inc., from Alton, N. Y.

PRODUCT: 134 cases, 24 cases, and 35 cases, each containing 24 1-pound, 4-ounce cans, of cut beets at Philadelphia, Pa.

LABEL, IN PART: "Burns Cut Beets."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: September 4, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

11040. Adulteration and misbranding of canned sliced beets. U. S. v. 550 Cases * * *. (F. D. C. No. 19453. Sample No. 2990–H.)

LIBEL FILED: March 20, 1946, District of Columbia.

ALLEGED SHIPMENT: On or about January 22, 1946, by the Comstock Canning Corp., from Rushville, N. Y.

PRODUCT: 550 cases, each containing 12 1-pound jars, of sliced beets at Washington, D. C.

LABEL, IN PART: "Comstock Sliced Beets."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), brine had been substituted in part for sliced beets.

Misbranding, Section 403 (d), the container of the article was so filled as to be misleading since, due to the tendency of the beets to disperse in the liquid packing medium, the jars appeared to contain more beets than was actually the case.

DISPOSITION: April 8, 1946. The Comstock Canning Corp., claimant, having obtained an order authorizing the withdrawal of samples of the product for chemical analysis, and thereafter having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered delivered to charitable organizations.

11041. Adulteration of canned diced carrots. U. S. v. 92 Cases * * *. (F. D. C. No. 19403. Sample No. 5508–H.)

LIBEL FILED: March 7, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 27, 1945, by the Webster Canning & Preserving Co., Inc., from Webster, N. Y.

PRODUCT: 92 cases, each containing 6 6-pound, 8-ounce cans, of diced carrots at Philadelphia, Pa. Examination showed that the product was undergoing bacterial decomposition.

LABEL, IN PART: "Webster Brand * * * Diced Carrots."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 26, 1946. The Webster Canning Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

11042. Adulteration of vegetable juice cocktail. U. S. v. 127 Cases * * *. (F. D. C. No. 19492. Sample No. 41852–H.)

LIBEL FILED: April 5, 1946, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about December 14, 1945, by the Barron-Gray Packing Co., from San Jose, Calif.

PRODUCT: 127 cases, each containing 24 1-pint, 2-fluid-ounce cans, of vegetable juice cocktail at Norfolk, Va.

LABEL, IN PART: "Here's Health Brand Vegetable Juice Cocktail."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: July 1, 1946. Judgment of condemnation was entered by consent, and the product was ordered destroyed, with the exception of 2 cases which had been ordered withdrawn and used as samples.

11043. Adulteration and misbranding of canned mushrooms. U. S. v. 200 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 19494, 19896. Sample Nos. 8905–H, 56786–H, 56787–H.)

LIBELS FILED: April 5 and May 10, 1946, Southern District of New York and District of Massachusetts.

ALLEGED SHIPMENT: February 23 and 27, 1946, by J. B. Swayne and Sons, from Kennett Square, Pa.

PRODUCT: Canned mushrooms. 200 cases at New York, N. Y., and 128 cases at Boston, Mass. The drained weight of the product was less than declared on the label, and, in addition, the New York lot contained an excessive amount of brine.

LABEL, IN PART: "'An Gormet' Brand Whole Button Mushrooms Net Weight 1 Lb. * * * Meyer & Lange Distributors New York, N. Y.," "Blue Brand Mushroom Stems and Pieces Contents 8 Oz. Mushrooms," or "S. S. Pierce Co. Red Label Brand Mushrooms * * * Drained Weight 8 Oz."

LABEL, IN PART: "'Au Gormet' Brand Whole Button Mushrooms Net weight had been substituted in part for mushrooms.

All lots, misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 16 and June 3, 1946. The Howard Mercian Co. and J. B. Swayne and Sons, claimants for the respective lots, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

11044. Adulteration of canned mushrooms. U. S. v. 23 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 19374, 19375. Sample Nos. 15647–H, 15648–H.)

LIBEL FILED: March 27, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about December 31, 1945, by the Delaware Mushroom Cooperative Assoc., from Hockessin, Del.

PRODUCT: 45 cases, each containing 24 4-ounce cans, of mushrooms at Chicago, Ill. Examination showed that the product was undergoing bacterial decomposition.

LABEL, IN PART: "First State Stems and Pieces Mushrooms."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 19, 1946. The Delaware Mushroom Cooperative Assoc., having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion and salvage of the fit portion, under the supervision of the Food and Drug Administration.

Nos. 11045 to 11050 report actions involving canned peas that purported to be a food for which a standard of quality has been prescribed by law, but the quality was charged to fall below the standard because of higher alcohol-insoluble solids than the maximum permitted by the standard, and the labels failed to bear, in the manner and form that the regulations specify, a statement that the product was below the standard.

11045. Misbranding of canned peas. U. S. v. 998 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 19414, 21151. Sample Nos. 40734–H, 52909–H.)

LIBELS FILED: March 14 and October 3, 1946, Southern District of Ohio and Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 12, 1945, and July 25, 1946, by the Frank Herfort Canning Co., Inc., from Baraboo, Wis.

PRODUCT: Canned peas. 998 cases, each containing 24 1-pound, 4-ounce cans, at Springfield, Ohio, and 397 cases, each containing 24 1-pound, 4-ounce cans, at St. Louis, Mo.

LABEL, IN PART: "Devil's Lake Early Peas," or "Our Value Brand Early June Peas Distributed by Kitchen Products Inc. Chicago, Ill."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard.

DISPOSITION: September 6 and October 31, 1946. The Frank Herfort Canning Co., Inc., having appeared as claimant for the Springfield lot and having admitted the allegations of the libel, and no claimant having appeared for the St. Louis lot, judgments of condemnation were entered. It was ordered that the Springfield lot be released under bond for relabeling, under the supervision of the Food and Drug Administration, and that the St. Louis lot be delivered to charitable institutions.

11046. Misbranding of canned peas. U. S. v. 990 Cases * * *. (F. D. C. No. 19623. Sample No. 35702–H.)

LIBEL FILED: April 14, 1946, Western District of Missouri.

ALLEGED SHIPMENT: On or about November 20, 1945, by Mineral Point Co-Operative Packers, Inc., from Mineral Point, Wis.

PRODUCT: 990 cases, each containing 24 1-pound, 4-ounce cans, of peas at Joplin, Mo.

LABEL, IN PART: "Good Meal Brand Wisconsin Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard.

DISPOSITION: September 12, 1946. Mineral Point Co-Operative Packers, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

11047. Misbranding of canned peas. U. S. v. 377 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 19464, 19465. Sample Nos. 52842–H, 52843–H.)

LIBELS FILED: April 1, 1946, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about August 24, 1945, by the Hustisford Canning Co., from Woodland, Wis.

PRODUCT: 377 cases and 249 cases, each containing 24 1-pound, 4-ounce cans, of peas at Bernstadt and Somerset, Ky.

LABEL, IN PART: (Cans) "Early June Peas Old Line * * * Distributed By Reeseville Canning Co. Reeseville, Wis."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard in quality.

DISPOSITION: April 26, 1946. The Hustisford Canning Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

11048. Misbranding of canned peas. U. S. v. 249 Cases, etc. (F. D. C. No. 19402. Sample Nos. 3183–H, 3184–H.)

LIBEL FILED: March 6, 1946, District of Columbia.

ALLEGED SHIPMENT: On or about August 30, 1945, by Lineboro Canning Co., Inc., from Lineboro, Md.

PRODUCT: Canned peas. 249 cases and 359 cases at Washington, D. C. Each case contained 24 1-pound, 4-ounce cans.

LABEL, IN PART: "Besco Brand Early June Peas," or "Taste Best Brand Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: May 21, 1946. Lineboro Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

11049. Misbranding of canned peas. U. S. v. 543 Cases * * *. (F. D. C. No. 19686. Sample No. 8989–H.)

LIBEL FILED: April 19, 1946, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 19, 1945, by Stokely-Van Camp, Inc., from Brandon, Wis.

PRODUCT: 543 cases, each containing 24 1-pound, 4-ounce cans, of peas at Scranton, Pa.

LABEL, IN PART: "Our Favorite Brand Early June Peas * * * Distributed by Fame Canning Company, Inc. * * * Indianapolis, Ind."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: May 16, 1946. Stokely-Van Camp, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

11050. Misbranding of canned peas. U. S. v. 337 Cases * * *. (F. D. C. No. 19557. Sample No. 50686–H.)

LIBEL FILED: March 26, 1946, Southern District of Iowa.

ALLEGED SHIPMENT: On or about November 7, 1945, by the Owen Canning Corp., from Owen, Wis.

PRODUCT: 337 cases, each containing 24 1-pound, 4-ounce cans, of peas at Burlington, Iowa.

LABEL, IN PART: "Cloverbelt Wisconsin Brand Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard.

DISPOSITION: May 31, 1946. The Owen Canning Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

11051. Adulteration of canned black eyed peas. U. S. v. 600 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 19345, 19586. Sample Nos. 47140–H, 47534–H.)

LIBELS FILED: March 19 and April 5, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about February 14 and 16, 1946, by the Norfolk Packing Co., from Plattsmouth, Nebr.

PRODUCT: 786 cases, each containing 24 1-pound, 4-ounce cans, of black eyed peas at Denver, Colo.

LABEL IN PART: "Finest Brand Black Eyed Peas."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), stones had been substituted in whole or in part for black eyed peas; and, Section 402 (b) (4), stones had been packed with the article so as to reduce its quality.

DISPOSITION: July 1, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions. The officials of the institutions were informed of the nature of the adulteration and were warned to carefully examine the product.

11052. Adulteration of sweet relish. U. S. v. 40 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 19650, 19651. Sample Nos. 66806–H, 66810–H.)

LIBELS FILED: May 1, 1946, District of Nebraska.

ALLEGED SHIPMENT: On or about February 7 and 22, 1946, by the Western Food Products Co., from Hutchinson, Kans.

PRODUCT: 63 cases, each containing 24 12-ounce jars, of sweet relish at Grand Island, Nebr.

LABEL, IN PART: "Western Maid Sweet Relish."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, monochloracetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice.

DISPOSITION: August 14, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

11053. Adulteration and misbranding of sauerkraut. U. S. v. 174 Cases * * *. (F. D. C. No. 19659. Sample No. 58283–H.)

LIBEL FILED: April 24, 1946, District of Montana.

ALLEGED SHIPMENT: On or about December 27, 1945, by the Oelerich and Berry Co., from Chicago, Ill.

PRODUCT: 174 cases, each containing 12 1-quart jars, of sauerkraut at Missoula, Mont. Examination showed that the article was short-volume. The jars contained an average of 18.4 ounces of drained sauerkraut instead of the minimum of 25 ounces that such size jars should contain.

LABEL, IN PART: "Chipico Home Style Sauerkraut Contents 1 Quart."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), brine had been substituted in part for sauerkraut, which the article was represented to be.

Misbranding, Section 403 (d), the container was so filled as to be misleading since the jars appeared to contain more sauerkraut than they actually contained; and, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: August 20, 1946. The Chicago Pickle Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for repacking under the supervision of the Food and Drug Administration.

11054. Adulteration and misbranding of sauerkraut. U. S. v. 15 Cases * * *. (F. D. C. No. 19652. Sample No. 59229–H.)

LIBEL FILED: April 24, 1946, Eastern District of Washington.

ALLEGED SHIPMENT: On or about March 21, 1946, by the Kay Sales Co., from Portland, Oreg.

PRODUCT: 15 cases, each containing 12 jars, of sauerkraut at Dishman, Wash. Examination showed that the product was short-volume. The jars were of a size that should contain a minimum of 25 ounces avoirdupois of drained kraut, but they contained an average of only 22.15 ounces.

LABEL, IN PART: "Yeagers Home Stile Kraut One Quart Fred Yeager Portland, Ore."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), brine had been substituted in part for kraut, which the article was represented to be.

Misbranding, Section 403 (d), the container was so filled as to be misleading since the jars appeared to contain more sauerkraut than they actually contained; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 24, 1946. No claimant having appeared, judgment of condemnation was entered and it was ordered that the United States marshal dispose of the product in compliance with the law.

11055. Adulteration of canned turnip greens. U. S. v. 96 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 19400, 19435, 19892, 19893. Sample Nos. 1252–H, 1345–H, 1352–H, 1384–H, 1385–H.)

LIBELS FILED: Between March 26 and May 13, 1946, Southern District of Florida and Northern District of Florida.

ALLEGED SHIPMENT: Between the approximate dates of November 8 and December 4, 1945, by the White Packing Co., from Vienna, Ga.

PRODUCT: Turnip greens. 1,254 cases at Jacksonville and 96 cases at Quincy, Fla., each case containing 24 1-pound, 3-ounce cans, of turnip greens. Examination showed that the product was undergoing bacterial decomposition.

LABEL, IN PART: "Georgia Brand [or "Sunny South Brand"] Turnip Greens."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: Between May 18 and June 17, 1946. The White Packing Co., claimant for 1,178 cases of the Jacksonville lot, having consented to the entry of decrees, judgments of condemnation were entered and those cases of the product were ordered released under bond for the segregation and salvage of the fit portion, under the supervision of the Food and Drug Administration. No claimant having appeared for the remaining lots, judgments of condemnation were entered and these lots were ordered delivered to institutions, for use as animal feed.

11056. Adulteration of canned turnip greens. U. S. v. 89 Cases * * *. (F. D. C. No. 19370. Sample No. 59203–H.)

LIBEL FILED: March 26, 1946, District of Oregon.

ALLEGED SHIPMENT: On or about August 11, 1945, by the Montgomery Canning Co., from Mission, Tex.

PRODUCT: 89 cases, each containing 6 6-pound, 8-ounce cans, of turnip greens at Portland, Oreg. The product was undergoing bacterial decomposition.

LABEL, IN PART: "Del-I-Pak Brand Turnip Greens."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATO PRODUCTS*

11057. Adulteration of tomato puree. U. S. v. Walter English Canned Foods and Walter English. Pleas of nolo contendere. Firm fined $500; individual defendant fined $300. (F. D. C. No. 19547. Sample No. 39416–H.)

INFORMATION FILED: July 10, 1946, Southern District of Ohio, against Walter English Canned Foods, a partnership, Columbus,, Ohio, and Walter English, a partner.

ALLEGED SHIPMENT: On or about October 17, 1945, from the State of Ohio into the State of Illinois.

LABEL, IN PART: "Walter English Brand Tomato Puree Packed for Walter English Columbus, Ohio."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: November 13, 1946. Pleas of nolo contendere having been entered by both defendants, the court imposed fines of $500 against the partnership and $300 against the individual defendant.

11058. Adulteration of tomato puree. U. S. v. 1,797 Cases * * *. (F. D. C. No. 19617. Sample No. 38953–H.)

LIBEL FILED: April 12, 1946, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about December 20 and 31, 1945, and January 2, 1946, by Stokely-Van Camp, Inc., from Oroville, Calif.

PRODUCT: 1,797 cases, each containing 6 unlabeled cans, of tomato puree at Gibson City, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: May 20, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11059. Adulteration of tomato puree. U. S. v. 1,647 Cases * * *. (F. D. C. No. 19347. Sample Nos. 15795–H, 19308–H.)

LIBEL FILED: March 14, 1946, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about February 14, 1946, by the United Wholesale Grocer Co., from Marshalltown, Iowa.

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*See also No. 10902.

PRODUCT: 1,647 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree at Detroit, Mich.

LABEL, IN PART: "Pride of Dundee Tomato Puree * * * Packed By Great Lakes Canning Co. Dundee, Michigan."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 2, 1946. The Great Lakes Canning Co., Dundee, Mich., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into stock feed, under the supervision of the Food and Drug Administration.

11060. Adulteration and misbranding of tomato puree. U. S. v. 1,506 Cases * * *. (F. D. C. No. 19256. Sample No. 7938–H.)

LIBEL FILED: February 28, 1946, Eastern District of New York.

ALLEGED SHIPMENT: On or about November 13, 1945, by the Califruit Canning Co., from Manteca, Calif.

PRODUCT: 1,506 cases, each containing 6 cans, of tomato puree at Maspeth, Long Island, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (g) (2), it purported to be and was represented as tomato puree, a food for which a definition and standard of identity had been prescribed by regulations, but it failed to conform to the definition and standard since its label failed to bear the name of the food specified in the definition and standard.

DISPOSITION: December 11, 1946. The sole intervener having withdrawn its claim, judgment of condemnation was entered and the product was ordered destroyed.

11061. Adulteration of tomato puree. U. S. v. 472 Cases * * *. (F. D. C. No. 19416. Sample No. 45464–H.)

LIBEL FILED: March 11, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 25, 1946, by the Mel-Williams Co., from San Francisco, Calif.

PRODUCT: 472 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree at Philadelphia, Pa.

LABEL, IN PART: "E and A Brand Fancy Tomato Puree * * * Grown and Packed by Ensher, Alexander & Barsoom, Inc. * * * Sacramento, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: September 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11062. Adulteration of tomato puree. U. S. v. 172 Cases * * *. (F. D. C. No. 19618. Sample No. 45483–H.)

LIBEL FILED: April 12, 1946, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about March 27, 1946, by the Mor-Pak Preserving Corp., from Stockton, Calif.

PRODUCT: 172 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Oklahoma City, Okla.

LABEL, IN PART: "Blaze O' Gold Tomato Puree Extra Heavy."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: June 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11063. Adulteration and misbranding of tomato puree. U. S. v. 25 Cases * * *. (F. D. C. No. 19267. Sample No. 51037–H.)

LIBEL FILED: March 21, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about December 4, 1945, by the Kennard Food Products Co., from Kennard, Ind.

PRODUCT: 25 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Pipestone, Minn.

LABEL, IN PART: "Kennard Brand * * * Indiana Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids, the minimum permitted by the regulations.

DISPOSITION: August 5, 1946. No claimant having appeared, judgment was entered ordering the product denatured for use as animal feed, under the supervision of the Food and Drug Administration; otherwise, the product was to be destroyed.

11064. Adulteration of tomato puree and tomato juice. U. S. v. 495 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 19768, 19769, 19938. Sample Nos. 8818–H, 8820–H, 8822–H.)

LIBELS FILED: May 7 and 21, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about March 7, 1946, by the Great Lakes Canning Co., from Dundee, Mich.

PRODUCT: 825 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree and 346 cases, each containing 6 3-quart cans, of tomato juice at New York, N. Y.

LABEL, IN PART: "Pride of Dundee Tomato Puree [or "Tomato Juice"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances by reason of the presence of decomposed tomato material.

DISPOSITION: May 21 and August 2, 1946. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

11065. Adulteration and misbranding of tomato puree and adulteration of tomato paste. U. S. v. 1,496 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 19250, 19261, 19415. Sample Nos. 8444–H, 46790–H, 46791–H.)

LIBELS FILED: On or about February 28 and March 6 and 11, 1946, Southern District of New York, District of Connecticut, and Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 20, 1945, and January 14 and 15, 1946, by Parrott & Co., from San Francisco, Calif.

PRODUCT: 1,496 cases, each containing 6 6-pound, 12-ounce cans, of tomato puree at New York, N. Y.; 150 cases, each containing 96 6-ounce cans, of tomato paste at East Hartford, Conn.; and 187 cases, each containing 24 cans, of tomato puree at Allentown, Pa. Examination showed that the Allentown lot was short-weight and that the other lots contained decomposed tomato material.

LABEL, IN PART: "Royal Scarlet Fancy Heavy Tomato Puree * * * Distributors R. C. Williams & Co., Inc. New York, N. Y.," "Finast Brand Tomato Paste," or "Contents 1 Lb. 13 Oz. Valley Belt Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the New York and East Hartford lots of the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (e) (2), the Allentown lot failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 22, April 4, and June 22, 1946. Parrott & Co., San Francisco, Calif., and Reeves Parvin and Co., Philadelphia, Pa., having appeared as claimants for the New York and Allentown lots, respectively, and having admitted the allegations of the libels, and no claimant having appeared for the East Hartford lot, judgments of condemnation were entered. It was ordered

that the New York lot be released under bond, conditioned upon the segregation and destruction, or denaturing, of the unfit portion, under the supervision of the Federal Security Agency; that the East Hartford lot be destroyed; and that the Allentown lot be released under bond for relabeling, under the supervision of the Federal Security Agency.

11066. Adulteration of tomato paste. U. S. v. 129 Cases * * *. (F. D. C. No. 19487. Sample No. 45562–H.)

LIBEL FILED: April 3, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about March 9, 1946, by the Veronica Olive Oil Co., from Oakland, Calif.

PRODUCT: 129 cases, each containing 96 6-ounce cans, of tomato paste at New York, N. Y.

LABEL, IN PART: "Contadina Fancy Tomato Paste * * * Hershel Cal. Fruit Prod. Co. San Jose, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: April 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11067. Misbranding of tomato paste. U. S. v. 27 Cases * * *. (F. D. C. No. 19600. Sample No. 58130–H.)

LIBEL FILED: April 23, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about January 3, 1946, by Hollister Canning Co., from Hollister, Calif.

PRODUCT: 27 cases, each containing 6 6-pound, 15-ounce tins, of tomato paste at Seattle, Wash.

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato paste since it contained less than 25 percent of salt-free tomato solids, the minimum permitted by the definition and standard.

DISPOSITION: October 15, 1946. Hollister Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

NUTS*

11068. Adulteration of shelled almonds. U. S. v. 35 Bags * * *. (F. D. C. No. 19605. Sample No. 35187–H.)

LIBEL FILED: April 10, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 14, 1945, from Sacramento, Calif.

PRODUCT: 35 100-pound bags of shelled almonds at St. Louis, Mo., in possession of the Dye Candy Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-cut, and the almonds had been gnawed by rodents. Examination showed that the product was insect-infested and that it contained rodent excreta and rodent hairs.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 29, 1946. The Dye Candy Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

11069. Adulteration of shelled almonds. U. S. v. 90 Boxes * * *. (F. D. C. No. 19620. Sample No. 35188–H.)

LIBEL FILED: April 11, 1946, Eastern District of Missouri.

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*See also No. 11031.

ALLEGED SHIPMENT: On or about November 3, 1945, from Chicago, Ill., by Electri-Cooker Sales, Inc., of New York, N. Y.

PRODUCT: 90 boxes of shelled almonds at St. Louis, Mo.

LABEL, IN PART: "Product of Spain Tiger Brand Bevan's Jordan Almonds 28 lbs. Net Bevans Malaga-Spain."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested almonds.

DISPOSITION: May 8, 1946. Electri-Cooker Sales, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

11070. Adulteration of almond-flavored nuts. U. S. v. 175 Cases * * *. (F. D. C. No. 19485. Sample No. 5063–H.)

LIBEL FILED: March 29, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 19, 1946, by Newark Packing Co., Inc., from Newark, N. J.

PRODUCT: 175 cases, each containing 24 3-ounce jars, of almond-flavored nuts at Philadelphia, Pa.

LABEL, IN PART: "Aster-Ettes Almond Flavored Nuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11071. Adulteration of shelled peanuts. U. S. v. 417 Bags * * *. (F. D. C. No. 19647. Sample No. 59635–H.)

LIBEL FILED: April 19, 1946, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 23, 1946, by the Marianna Peanut Co., from Marianna, Fla.

PRODUCT: 417 120-pound bags of shelled peanuts at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy peanuts.

DISPOSITION: May 14, 1946. The Lik-Em Peanut Co., Inc., Pittsburgh, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

11072. Adulteration of shelled peanuts. U. S. v. 220 Bags * * *. (F. D. C. No. 19648. Sample No. 51056–H.)

LIBEL FILED: April 23, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about February 1, 1946, by the Columbian Peanut Co., from Pelham, Ga.

PRODUCT: 220 120-pound bags of shelled peanuts at St. Paul, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy peanuts.

DISPOSITION: June 20, 1946. Griggs, Cooper & Co., St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

11073. Adulteration of shelled Spanish peanuts. U. S. v. 220 Bags * * *. (F. D. C. No. 19328. Sample No. 21596–H.)

LIBEL FILED: March 12, 1946, District of Nebraska.

ALLEGED SHIPMENT: On or about December 31, 1945, from Giddings, Tex.

PRODUCT: 220 bags, each containing approximately 115 pounds, of shelled Spanish peanuts at Omaha, Nebr., in possession of the J. F. Garvey Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta was observed on them. Examination showed that the product contained rodent excreta and rodent hair fragments.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 25, 1946. The J. F. Garvey Co., claimant, having admitted the allegations of the libel, but alleging that the firm had 80 bags in its possession, judgment of condemnation was entered and the 80 bags of peanuts were ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

11074. Adulteration of shelled Spanish peanuts. U. S. v. 49 Bags * * *. (F. D. C. No. 19559. Sample No. 30072–H.)

LIBEL FILED: March 26, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about November 22, 1945, by the Woldert Peanut Products Co., from Hugo, Okla.

PRODUCT: 49 bags, each containing 115 pounds, of shelled Spanish peanuts at Oakland, Calif.

LABEL, IN PART: "Spanish Shelled Peanuts No. 1 Hand Picked Wolco Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy peanuts.

DISPOSITION: April 30, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11075. Adulteration of pecans. U. S. v. 140 Cartons * * *. (F. D. C. No. 19574. Sample No. 38002–H.)

LIBEL FILED: April 25, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 6, 1946, by the Bateman Pecan Co., from Macon, Ga.

PRODUCT: 140 60-pound cartons of pecans at Chicago, Ill.

LABEL, IN PART: "Dixiana Brand * * * Brown Sweets Seedling."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rancid and decomposed nuts.

DISPOSITION: June 14, 1946. The Bateman Pecan Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

11076. Adulteration of shelled pecans. U. S. v. 5 Cartons * * * (and 2 other seizure actions). (F. D. C. Nos. 19763, 19925, 20750. Sample Nos. 992–H, 42824–H, 42859–H.)

LIBELS FILED: May 13 and 14 and August 27, 1946, Southern District of Florida, District of Maryland, and Eastern District of Virginia, respectively.

ALLEGED SHIPMENT: On or about March 25, April 20, and July 15, 1946, by the Acker Pecan and Produce Co., from Albany, Ga.

PRODUCT: Shelled pecans. 5 25-pound cartons at Miami, Fla., 3 25-pound cartons at Baltimore, Md., and 4 30-pound cases at Norfolk, Va.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested, decomposed, rancid, and moldy pecans; and, in addition, a portion was otherwise unfit for food by reason of the presence of shriveled pecans.

DISPOSITION: June 17, September 4, and October 1, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

11077. Adulteration of shelled pecans. U. S. v. 12 Cases * * *. (F. D. C. No. 19797. Sample No. 56382–H.)

LIBEL FILED: April 26, 1946, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about December 13, 1945, by the Guadalupe Valley Pecan Co., from San Antonio, Tex.

PRODUCT: 12 cases, each containing 12 8-ounce packages, of shelled pecans at Oklahoma City, Okla.

LABEL, IN PART: "Home Delight Brand Pecans Shelled."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy pecans.

DISPOSITION: June 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11078. Adulteration of pecan meats. U. S. v. 44 Cartons * * * (and 5 other seizure actions). (F. D. C. Nos. 19656, 19657, 19720, 19867, 19912, 19913. Sample Nos. 1459–H, 1913–H, 3282–H, 8996–H, 41754–H, 41755–H, 41883–H, 52933–H.)

LIBELS FILED: April 19, 22, and 26, and May 11, 14, and 15, 1946, Southern District of West Virginia, Northern District of New York, District of Maryland, Southern District of Ohio, Northern District of Georgia, and Eastern District of Virginia.

ALLEGED SHIPMENT: Between the approximate dates of February 2 and April 19, 1946, by the Orangeburg Pecan Co., from Orangeburg, S. C., and Camilla, Ga.

PRODUCT: Pecan meats. 1,540 pounds at Huntington, W. Va., 1,800 pounds at Binghamton, N. Y., 450 pounds at Cumberland, Md., 125 pounds at Dayton, Ohio, 1,200 pounds at Atlanta, Ga., and 1,500 pounds at Norfolk, Va. The product was contained in 25-, 30- and 60-pound cartons. The various shipments were found to contain pecans which were, in one or more respects, rancid, decomposed, moldy, shriveled, and insect-infested.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy or decomposed substance, or both; and in addition, a portion was otherwise unfit for food by reason of the presence of shriveled pecans.

DISPOSITION: On July 18, 1946, the Orangeburg Pecan Co., claimant for the Huntington lot, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The unfit portion of the product was segregated and destroyed.

Between May 27 and July 18, 1946, no claimant having appeared for the other lots, judgments of condemnation were entered and the product was ordered destroyed.

11079. Adulteration of pecan meats. U. S. v. 29 Boxes * * *. (F. D. C. No. 19598. Sample No. 49242–H.)

LIBEL FILED: April 9, 1946, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about February 4 and 15, 1946, by the C. S. Carter Shelling Plant, from Camilla, Ga.

PRODUCT: 29 30-pound boxes of pecan meats at New Orleans, La. Examination showed that the product contained rodent hairs and *E. coli*.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: August 21, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11080. Adulteration of pistachio nuts. U. S. v. 4 Cases * * *. (F. D. C. No. 19321. Sample No. 50946–H.)

LIBEL FILED: March 9, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about December 12, 1945, by the Zenobia Co., Inc., from New York, N. Y.

PRODUCT: 4 cases, each containing 12 5-pound bags, of pistachio nuts at Minneapolis, Minn.

LABEL, IN PART: "XX Zenobia Jumbo Queen Pure White Pistachio Nuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect excreta.

DISPOSITION: June 24, 1946. No claimant having appeared, judgment was entered ordering that the product be destroyed unless denatured and disposed of as animal feed.

11081. Adulteration of black walnut kernels. U. S. v. 20 Cartons * * *. (F. D. C. No. 19645. Sample No. 53105–H.)

LIBEL FILED: April 22, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about February 17, 1946, by the Lefkovits-Fleisman Co., from Nashville, Tenn.

PRODUCT: 20 50-pound cartons of black walnut kernels at Columbus, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted of whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 28, 1946. No claimant having appeared, judgment was entered ordering that the product be destroyed.

11082. Adulteration of black walnut kernels. U. S. v. 2 Cartons * * *. (F. D. C. No. 19644. Sample No. 59637–H.)

LIBEL FILED: April 18, 1946, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 18, 1945, by the Lefkovits-Fleisman Co., Nashville, Tenn.

PRODUCT: 2 50-pound cartons of black walnut kernels at Pittsburgh, Pa. Examination of the product showed the presence of *E. coli*, which indicates pollution of fecal origin.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of *E. coli*.

DISPOSITION: May 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

OILS AND FATS

11083. Misbranding of french dressing. U. S. v. 80 Cases * * *. (F. D. C. No. 19266. Sample No. 8095–H.)

LIBEL FILED: March 11, 1946, District of New Jersey.

ALLEGED SHIPMENT: Between the approximate dates of December 18, 1945, and January 22, 1946, by the Italian Cook Oil Corp., from Brooklyn, N. Y.

PRODUCT: 80 cases, each containing 36 6-ounce bottles, of french dressing at Newark, N. J.

LABEL, IN PART: "Royal Cook Brand * * * Enriched with Olive Oil French Dressing."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Enriched with Olive Oil French Dressing" was false and misleading since the french dressing contained an insignificant amount, if any, of olive oil.

DISPOSITION: June 17, 1946. The Italian Cook Oil Corp., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

11084. Adulteration of mayonnaise. U. S. v. 76 Cases * * *. (F. D. C. No. 19431. Sample No. 1163–H.)

LIBEL FILED: March 15, 1946, Middle District of North Carolina.

ALLEGED SHIPMENT: Between the approximate dates of January 25 and February 7, 1946, by the Dixie Produce Co., Columbia, S. C.

PRODUCT: 76 cases, each containing 12 1-quart jars, of mayonnaise at North Wilkesboro, N. C.

LABEL, IN PART: "Caldwell's Mayonnaise * * * Made by Caldwell's Cafeteria, Columbia, S. C. Distributed by Dixie Produce Co., Columbia, S. C. Made with Mineral Oil."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained approximately 53 percent added mineral oil, a deleterious substance, which may have rendered the article injurious to health; and, Section 402 (b) (2), mineral oil had been substituted in whole or in part for edible vegetable oil, a normal constituent of mayonnaise.

DISPOSITION: May 29, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11085. Adulteration of mayonnaise. U. S. v. 23 Cases and 34 Cases * * *. (F. D. C. No. 19438. Sample Nos. 1178–H, 1179–H.)

LIBEL FILED: March 16, 1946, Western District of North Carolina.

ALLEGED SHIPMENT: On or about January 25 and February 1, 1946, by James B. Harris, of Stony Point, N. C., from the Dixie Produce Co., Columbia, S. C.

PRODUCT: 57 cases, each containing 12 1-quart jars, of mayonnaise at Mooresville, N. C.

LABEL, IN PART: "Caldwell's Mayonnaise Contains Oil * * * Made By Caldwell's Cafeteria, Columbia, S. C. Distributed By Dixie Produce Co., Columbia, S. C. Made with Mineral Oil."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained added mineral oil (approximately 56% or 57%), a deleterious substance, which may have rendered the product injurious to health; and, Section 402 (b) (2), mineral oil had been substituted in whole or in part for edible vegetable oil, a normal constituent of mayonnaise.

DISPOSITION: April 23, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11086. Adulteration of mayonnaise. U. S. v. 35 Cases * * *. (F. D. C. No. 19432. Sample No. 1180–H.)

LIBEL FILED: May 15, 1946, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about February 12, 1946, by Robert T. Miller, from Columbia, S. C.

PRODUCT: 35 cases, each containing 12 1-quart jars, of mayonnaise at Albemarle, N. C.

LABEL, IN PART: "Caldwell's Mayonnaise Contains Mineral Oil * * * Made By Caldwell's Cafeteria, Columbia, S. C. Dixie Brokerage Co., Columbia, S. C. Sales Agent."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained approximately 60 percent added mineral oil, a deleterious substance, which may have rendered the product injurious to health; and, Section 402 (b) (2), mineral oil had been substituted in whole or in part for edible vegetable oil, a normal constituent of mayonnaise.

DISPOSITION: May 29, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11087. Adulteration of mayonnaise. U. S. v. 20 Cases, etc. (F. D. C. No. 19433. Sample No. 1181–H.)

LIBEL FILED: March 15, 1946, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about February 13, 1946, by the Cabarrus Food Center, from Columbia, S. C.

PRODUCT: 4 cases, each containing 12 1-quart jars, 70 1-pint jars, and 16 cases, each containing 12 1-pint jars, of mayonnaise at Concord, N. C.

LABEL, IN PART: (Jar) "Caldwell's Mayonnaise Contains Mineral Oil, Starch, Eggs, Vinegar, Salt, Sugar, Other Spices Made By Caldwell's Cafeteria, Columbia, S. C. Dixie Brokerage Co., Columbia, S. C. Sales Agent."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained approximately 55 percent added mineral oil, a deleterious substance, which may have rendered the article injurious to health; and, Section 402 (b) (2), mineral oil had been substituted in whole or in part for edible vegetable oil, a normal constituent of mayonnaise.

DISPOSITION: May 29, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11088. Adulteration of salad dressing. U. S. v. 5 Cases, etc. (and 1 other seizure action). (F. D. C. Nos. 18799, 18934. Sample Nos. 37839–H, 58701–H.)

LIBELS FILED: January 5 and February 1, 1946, Eastern and Western Districts of Washington.

ALLEGED SHIPMENT: On or about December 4 and 21, 1945, by the Tasty Food Co., from Portland, Oreg.

PRODUCT: 5 cases, each containing 4 1-gallon jars, and 75 cases, each containing 24 1-pint jars, of salad dressing at Wenatchee, Wash., and 26 cases, each containing 4 1-gallon jars, of the same product at Everett, Wash.

LABEL, IN PART: "Sovereign Salad Dressing."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, monochloracetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice.

DISPOSITION: March 15 and 25, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

MISCELLANEOUS FOODS

11089. Adulteration and misbranding of pemmican. U. S. v. Harold Hain (Hain Pure Food Co.). Plea of guilty. Fine, $500. (F. D. C. No. 19036. Sample Nos. 30847–H, 32380–H.)

INFORMATION FILED: March 29, 1946, Southern District of California, against Harold Hain, trading as the Hain Pure Food Co., Los Angeles, Calif.

ALLEGED SHIPMENT: On or about April 27 and August 3, 1945, from the State of California into the State of Maryland.

LABEL, IN PART: Emergency Ration Pemmican * * * Net Weight 3½ Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (a), the label statement "Net Weight 3½ Ozs." was false and misleading since the cans contained a smaller amount than 3½ ounces; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 6, 1946. A plea of guilty having been entered, the defendant was fined $500.

11090 Adulteration of chile con carne. U. S. v. 28 Cases * * *. (F. D. C. No. 18966. Sample Nos. 8036–H, 8037–H.)

LIBEL FILED: January 10, 1946, Eastern District of New York.

ALLEGED SHIPMENT: On or about July 28, 1945, by the Hygrade Food Products Corp., from Detroit, Mich.

PRODUCT: 28 cases, each containing 24 1-pound cans, of chile con carne at Brooklyn, N. Y. Examination showed that the product was decomposed and sour.

LABEL, IN PART: "Hygrade's Honey Brand Chili Con Carne with Beans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 27, 1946. The shipper, the sole intervener, having withdrawn its claim, judgment of condemnation was entered and the product was ordered destroyed.

11091. Misbranding of Anti-Skipper Compound. U. S. v. 7 Cases, etc. (and 1 other seizure action). (F. D. C. Nos. 19703, 19777. Sample Nos. 1263–H, 3704–H.)

LIBELS FILED: April 22 and 25, 1946, Middle District of Georgia and Eastern District of Virginia.

ALLEGED SHIPMENT: On or about February 18, 1946, by the Chambers-Godfrey Mfg. Co., from Martin, Tenn.

PRODUCT: Anti-Skipper Compound. 7 dozen 15-ounce packages and 16 dozen 7-ounce packages at Emporia, Va., and 3 dozen 15-ounce packages and 16 dozen 7-ounce packages at Macon, Ga. The product contained about 90 percent of borax.

LABEL, IN PART: "Chambers Anti-Skipper Compound Will Prevent Skippers on Cured Meats if Used as Directed on the side of this Package."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained an added poisonous and deleterious substance, borax, which may have rendered the product injurious to health.

Misbranding, Section 403 (a), the label statements "Will Prevent Skippers on Cured Meats if Used as Directed on the side of this Package * * * Guaranteed to be Absolutely Harmless" were misleading since they implied that the article may safely be used, whereas such use would be potentially dangerous to the health of the consumer.

DISPOSITION: May 18 and June 17, 1946. No claimant having appeared, judgments of forfeiture were entered and the product was ordered destroyed.

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES

11092. Adulteration and misbranding of A-B-D-G Capsules. U. S. v. 12 Dozen Bottles * * *. (F. D. C. No. 18344. Sample No. 22388–H.)

LIBEL FILED: November 9, 1945, Southern District of Illinois.

ALLEGED SHIPMENT: On or about January 26, 1945, by the J. R. Watkins Co., from Winona, Minn.

PRODUCT: 12 dozen bottles of A-B-D-G Capsules at Bloomington, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamins A and D, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a), the label statements, "Each capsule contains 10,000 U. S. P. units Vitamin A, 1,000 U. S. P. units Vitamin B," and "ABDG Capsules contain approximately 2½ times the minimum daily requirements of Vitamin A and Vitamin D. A capsule equals in Vitamins A and D value at least 3 teaspoonfuls of cod liver oil," were false and misleading as applied to the article, which contained less than the stated amounts of vitamins A and D and which did not provide the stated proportions of the minimum daily requirements for such vitamins; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin A, D, B_1 and B_2 content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamins B_1 and B_2 furnished by a specified quantity of the product when consumed during a period of 1 day.

DISPOSITION: December 4, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11093. Adulteration and misbranding of Nova-Tron Capsules. U. S. v. 48 Bottles * * *. (F. D. C. No. 19260. Sample No. 31389–H.)

LIBEL FILED: March 11, 1946, District of Arizona.

ALLEGED SHIPMENT: On or about December 17, 1945, by Boyle and Co., from Los Angeles, Calif.

PRODUCT: 48 90-capsule bottles of Nova-Tron at Phoenix, Ariz.

LABEL, IN PART: "Nova-Tron Boyle Pan-Vitamic Formula."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statements "Vitamin D 1000 U.S.P. Units * * * Each capsule supplies the following equivalent of minimum adult daily requirements * * * Vitamin D 2½ Times" were misleading

since the product contained less than the declared amount of vitamin D and would not provide the stated proportion of the minimum daily requirement for vitamin D.

DISPOSITION: December 9, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11094. Misbranding of Ademo Tablets. U. S. v. 36 Bottles * * * and a number of circulars. (F. D. C. No. 19734. Sample Nos. 19552–H, 19553–H.)

LIBEL FILED: May 1, 1946, Northern District of Iowa.

ALLEGED SHIPMENT: On or about April 30 and August 20, 1945, and February 6, 1946, by H. W. Walker and Co., from Chicago, Ill.

PRODUCT: 10 300-tablet bottles, 14 150-tablet bottles, and 12 42-tablet bottles of Ademo Tablets at Cedar Rapids, Iowa, together with 51 circulars entitled "Powerful Rugged Red Blood."

LABEL, IN PART: "Ademo 3 Purpose Dietary Food Supplement."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the circulars were false and misleading.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1985, which quotes portions of the labels indicating the composition of the products and states the nature of the false and misleading statements contained in the circulars.

DISPOSITION: June 5, 1946. No claimant having appeared, judgment of condemnation was entered and the product and circulars were ordered destroyed.

11095. Misbranding of Slims. U. S. v. 48 Boxes * * * and a number of circulars. (F. D. C. No. 19249. Sample No. 5504–H.)

LIBEL FILED: February 26, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 11, 1945, by the Columbia Pharmaceutical Co., from Camden, N. J.

PRODUCT: 10 boxes, each containing 1 24-tablet bottle, 24 boxes, each containing 1 72-tablet bottle and 14 boxes, each containing 1 144-tablet bottle, of Slims at Philadelphia, Pa. A number of circulars entitled "A Slims Way of Life" were enclosed in the boxes. Examination showed that the product contained vitamin B_1, riboflavin, and calcium.

LABEL, IN PART: "Slims A Vitamin Supplement To The Everyday Diet."

NATURE OF CHARGE: Misbranding, Section 403 (a), the vignette of a slim female figure on the bottle and box label, the statement "Vitalize * * * Feel Better" on the box label, and certain statements in the accompanying circular were false and misleading since they represented and suggested that the product would be effective to reduce body weight, to increase vitality, and to improve health, whereas it would not be effective for such purposes; Section 403 (f), the information concerning the vitamin properties of the article was not prominently placed on the label with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since the information appeared at right angles to the main display panel of the bottle and carton label; Section 403 (i) (2), the label of the article failed to bear the common or usual name of each ingredient; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin B_1, B_2, and B_6, and calcium and niacin content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamins B_1 and B_2, and calcium, and the amount of vitamin B_6 and niacin furnished by a specific quantity of the product when consumed during a period of 1 day. The label failed also to bear the statement that the need for vitamin B_6 in human nutrition has not been established.

DISPOSITION: March 26, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11096. Adulteration of dietary confections. U. S. v. 284 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 19708, 20044. Sample Nos. 4917–H, 4918–H, 43762–H to 43764–H, incl., 43766–H, 43767–H.)

LIBELS FILED: April 24 and June 3, 1946, Eastern District of Pennsylvania and Southern District of California.

ALLEGED SHIPMENT: On or about February 4 and March 11, 1946, by the American Dietaids Co., Inc., from Yonkers, N. Y.

PRODUCT: Dietary confections. 284 cases at Los Angeles, Calif., and 72 packages at Philadelphia, Pa.

LABEL, IN PART: "Dietician Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent hair and rodent hair fragments; Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth; and (all except 79 cases), Section 402 (d), the articles were confectionery and contained saccharin, a nonnutritive substance.

DISPOSITION: July 12 and November 12, 1946. The American Dietaids Co., Inc., having withdrawn its claim to the Philadelphia lot, and no claimant having appeared for the Los Angeles lot, judgments of condemnation were entered and the products were ordered destroyed.

11097. Adulteration of Irish moss. U. S. v. 127 Bags * * *. (F. D. C. No. 18219. Sample No. 8025–H.)

LIBEL FILED: October 29, 1945, Eastern District of New York.

ALLEGED SHIPMENT: On or about January 19, 1945, from Liverpool, England.

PRODUCT: 127 90-pound bags of Irish moss at Staten Island, N. Y., in possession of the Riveredge Warehouse Corp. The product was stored under insanitary conditions after shipment and contained rodent excreta pellets.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 19, 1945. Wallerstein & Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and denatured for use other than for human consumption, under the supervision of the Food and Drug Administration.

11098. Adulteration of saccharin. U. S. v. 1 Drum * * *. (F. D. C. No. 18253. Sample No. 16591–H.)

LIBEL FILED: November 2, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 7, 1945, by C. E. Jamieson and Co., from Detroit, Mich.

PRODUCT: 1 drum, containing 130,000 tablets, of saccharin at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, boric acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the product and could have been avoided by good manufacturing practice.

DISPOSITION: June 12, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11099. Misbranding of Cal-O-Dine. U. S. v. 49 Bottles * * * and 375 leaflets. (F. D. C. No. 18713. Sample No. 27869–H.)

LIBEL FILED: January 7, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about August 17, 1945, by Cal-O-Dine Laboratories, from Alameda, Calif. The leaflets had been shipped on or about October 12, 1943.

PRODUCT: 49 ½-gallon bottles of Cal-O-Dine at Seattle, Wash., together with 375 leaflets entitled "The Mysterious ingredient of sea-water."

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling of the article was misleading.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1936, which indicates the results of analysis of the product and the nature of the misleading statements contained in the labeling.

DISPOSITION: March 25, 1946. No claimant having appeared, judgment of condemnation was entered and the product and leaflets were ordered destroyed.

11100. Misbranding of W-Whey. U. S. v. 23 Packages, etc. (F. D. C. No. 19688 Sample Nos. 50681–H, 50682–H, 50684–H.)

LIBEL FILED: April 26, 1946, Southern District of Iowa.

ALLEGED SHIPMENT: On or about February 5, 1946, by Schiff Bio-Food Products, from Detroit, Mich.

PRODUCT: 23 12-ounce packages and 8 30-ounce packages of W-Whey at Davenport, Iowa. Examination showed that the product was dried whey, containing per ounce, compounds of calcium equivalent to not more than 171 milligrams of calcium and compounds of phosphorus equivalent to not more than 187 milligrams of phosphorus. Three heaping tablespoonfuls would provide not more than 287 milligrams of calcium, which is not more than 38.3 percent of the minimum daily requirement for an adult.

LABEL, IN PART: "Little Miss Muffet Brand W-Whey Schiff's Whole Powdered Milk Whey * * * Three Heaping tablespoonfuls (the recommended daily portion) provide the following percentages of the adult minimum daily requirements: Calcium 50%, Riboflavin 50%, Phosphorous 40%, Iron 18%."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Analysis per ounce * * * Calcium 250 mgr. Phosphorus 210 mgr." and "Three heaping tablespoonfuls (the recommended daily portion) provide the following percentages of the adult minimum requirements: Calcium 50%" were false and misleading.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1959.

DISPOSITION: July 16, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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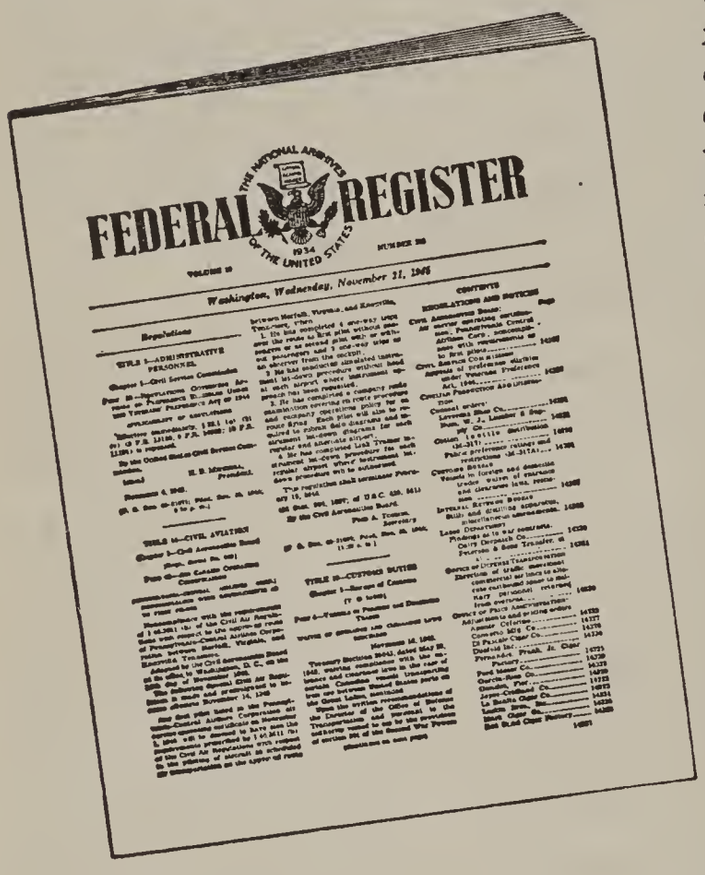
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FEDERAL REGISTER

Official Daily Service


FEDERAL REGISTER

Washington, Wednesday, November 21, 1945

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The FEDERAL REGISTER publishes daily the full text of Presidential Proclamations and Executive orders and any order, regulation, notice, or similar document promulgated by Federal administrative agencies which has general applicability and legal effect. A partial list of subjects covered includes:

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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

11101–11300

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

OSCAR R. EWING, *Administrator, Federal Security Agency.*

WASHINGTON, D. C., *February 6, 1948.*

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BEVERAGES AND BEVERAGE MATERIALS

Nos. 11101 to 11132 report actions involving products that contained monochloracetic acid or quaternary ammonium compound, both of which are poisonous and deleterious substances that are unsafe within the meaning of the law since they are substances not required in the production of the articles and could have been avoided by good manufacturing practice.

11101. Adulteration of beverages. U. S. v. 200 Cases * * *. (F. D. C. No. 23412. Sample Nos. 99585–H to 99587–H, incl.)

LIBEL FILED: On or about August 13, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about May 26, 1947, by the California Citrus Juice Co., from Springfield, Ill.

PRODUCT: 200 cases, each containing 6 ½-gallon bottles, of assorted flavor beverages at Hannibal, Mo.

LABEL, IN PART: "Flav-O-Treet Imitation Pineapple-Orange [or "Grape," or "Orange"] Drink."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the products contained quaternary ammonium compound.

DISPOSITION: December 1, 1947. Default decree of condemnation and destruction.

11102. Adulteration of Grape Drink and Orange Drink. U. S. v. 96 Cartons, etc. (F. D. C. No. 20842. Sample Nos. 66247–H, 66248–H.)

LIBEL FILED: September 6, 1946, Western District of Missouri.

ALLEGED SHIPMENT: On or about July 29, 1946, by the Midwest Products Co., from Omaha, Nebr.

PRODUCT: 163 cartons and cases, each containing 12 1-quart bottles, of beverages at Kansas City, Mo.

LABEL, IN PART: "Juicee Grape Drink [or "Orange Drink"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the articles contained monochloracetic acid.

DISPOSITION: November 26, 1946. No claimant having appeared, judgment was entered ordering the destruction of the products.

11103. Adulteration of beverage base. U. S. v. 24 1-Gallon Jugs * * *. (F. D. C. No. 20778. Sample No. 56745–H.)

LIBEL FILED: September 5, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about July 10, 1946, by the De Lisser Extract Co., Inc., from New York, N. Y.

PRODUCT: 24 1-gallon jugs of beverage base at Williamstown, Mass.

LABEL, IN PART: "De Lisser 1–10 Jigger Mix (Collins Mix)."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained quaternary ammonium chloride.

DISPOSITION: January 14, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11104. Adulteration of fruit-flavored beverages. U. S. v. 49 Cases * * *. (F. D. C. No. 20759. Sample Nos. 5335–H to 5339–H, incl.)

LIBEL FILED: August 27, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 3, 1946, by the Pan American Food Products Co., from Chicago, Ill.

PRODUCT: 17 cases of Grapefruit Flavored Drink, 7 cases of Orange Flavored Drink, 9 cases of Pineapple-Orange Flavored Drink, 10 cases of Pineapple Flavored Drink, and 6 cases of Imitation Grape Flavored Drink at Reading, Pa. Each case contained 12 1-quart bottles.

LABEL, IN PART: "Pan American Brand Grapefruit [or "Orange," "Pineapple-Orange," "Pineapple," or "Imitation Grape"] Flavored Drink."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the articles contained monochloracetic acid.

DISPOSITION: September 24, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

11105. Adulteration of Orange Flavored Drink. U. S. v. 426 Cases * * *. (F. D. C. No. 23027. Sample No. 69767–H.)

LIBEL FILED: May 12, 1947, Northern District of Indiana.

ALLEGED SHIPMENT: On or about August 15, October 16, and November 5, 1946, by the Pan American Food Products Co., from Chicago, Ill.

PRODUCT: 426 cases, each containing 12 1-quart bottles, of Orange Flavored Drink at Fort Wayne, Ind. Analysis showed that the product contained approximately 121 parts per million of monochloracetic acid.

LABEL, IN PART: "Pan American Brand Orange Flavored Drink."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained monochloracetic acid.

DISPOSITION: June 19, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11106. Adulteration of orange concentrate. U. S. v. 15 Barrels * * *. (F. D. C. No. 20382. Sample No. 25359–H.)

LIBEL FILED: On or about August 21, 1946, Northern District of Texas.

ALLEGED SHIPMENT: On or about March 9, 1946, by the Jay-Lee Products Co., from Cincinnati, Ohio.

PRODUCT: 15 50-gallon barrels of orange concentrate at Dallas, Tex.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained quaternary ammonium compound.

DISPOSITION: October 3, 1946. Default decree of condemnation and destruction.

11107. Adulteration of orange flavor. U. S. v. 8 1-Gallon Jugs * * * (and 5 other seizure actions). (F. D. C. Nos. 20032, 20046, 20047, 20329, 20364, 20389. Sample Nos. 15348–H, 40314–H, 52673–H, 52853–H, 52937–H, 53164–H.)

LIBELS FILED: May 27 and 28, June 17 and 24, and July 5, 1946, Southern District of Ohio, Western Districts of Arkansas and Michigan, and Southern District of Indiana.

ALLEGED SHIPMENT: Between the approximate dates of April 2 and May 17, 1946, by the Orange Smile Sirup Co., from St. Louis, Mo.

PRODUCT: Orange flavor. 8 jugs at Zanesville, Ohio, 189 jugs at Cincinnati, Ohio, 4 jugs at Camden, Ark., 84 jugs at Buchanan, Mich., and 25 jugs at Crawfordsville, Ind. Each jug contained 1 gallon.

LABEL, IN PART: "Commander Line Orange Flavor," "Smile Orange," or "Blue Ribbon Orange Flavor."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained quaternary ammonium compound.

DISPOSITION: July 12, 16, and 17, and August 9, 10, and 12, 1946. Default decrees of condemnation and destruction.

11108. Adulteration of orange beverage base. U. S. v. 11 Bottles * * *. (F. D. C. No. 20338. Sample No. 59041–H.)

LIBEL FILED: June 14, 1946, District of Montana.

ALLEGED SHIPMENT: On or about May 15, 1946, by C. O. & W. D. Sethness Co., from Chicago, Ill.

PRODUCT: 11 1-gallon bottles of orange beverage base at Havre, Mont.

LABEL, IN PART: "No. 165 Cosco 4 Oz. Orange A Cloudy, Ringless Concentrate."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained monochloracetic acid.

DISPOSITION: August 20, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11109. Misbranding of Cosco Esterex. U. S. v. 2 Jugs * * *. (F. D. C. No. 20692. Sample No. 46072–H.)

LIBEL FILED: August 22, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about August 31, 1945, by C. O. & W. D Sethness Co., from Chicago, Ill.

PRODUCT: 2 1-gallon jugs of Cosco Esterex at Stockton, Calif.

LABEL, IN PART: "Cosco Esterex * * * A Buffered Aqueous Solution of Monochloracetic Acid and Its Selected Esters, Salt and Glycerine Directions For stabilizing purposes Use ½ ounce to each gallon of bottling syrup, or to 6 gallons of finished drink."

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling of the article was misleading since the trade mark "Esterex," appearing thereon, coupled with the directions for use, represented to purchasers of the article that it was wholesome and suitable for use as a component of beverages, whereas the article contained about 19 percent (19%) of monochloracetic acid, which is a poisonous and deleterious substance.

DISPOSITION: April 4, 1947. Default decree of condemnation and destruction.

11110. Adulteration of Frolipop strawberry concentrate. U. S. v. 26 Jugs and 11 Jugs * * *. (F. D. C. Nos. 20088, 20899. Sample Nos. 17689–H, 49864–H.)

LIBELS FILED: June 12 and September 20, 1946, Eastern District of Michigan and Western District of Louisiana.

ALLEGED SHIPMENT: On or about September 24, 1945, and May 15, 1946, by the Frigie Corp. of America, from Chicago, Ill.

PRODUCT: Frolipop Imitation Strawberry Concentrate. 26 1-gallon jugs at Detroit, Mich., and 11 1-gallon jugs at Lafayette, La.

LABEL, IN PART: "Frolipop Concentrate Imitation Strawberry Contains Sugar Syrup, Imitation and Natural Flavors & Certified Color."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained monochloracetic acid.

DISPOSITION: September 3, 1946, and January 7, 1947. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

11111. Adulteration of Bottlers Syrup. U. S. v. 5 Drums * * *. (F. D. C. No. 19998. Sample No. 50978–H.)

LIBEL FILED: May 16, 1946, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about March 1, 13, and 27, 1946, by Theo Nett & Co., from Chicago, Ill.

PRODUCT: 5 50-gallon drums of Bottlers Syrup at Rhinelander, Wis. The product contained about 4.3 milligrams of quaternary ammonium compound per cubic centimeter.

LABEL, IN PART: "Corn & Cane Bottlers Syrup Domestic."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained quaternary ammonium compound.

DISPOSITION: November 19, 1946. The shipper having entered an appearance, but later having withdrawn its claim and answer, judgment of forfeiture was entered and the product was ordered destroyed.

11112. Misbranding of Topsy Stabilizer. U. S. v. 10 Jugs and 4 Jugs * * *. (F. D. C. Nos. 19847, 20534. Sample Nos. 48822–H, 51202–H.)

LIBELS FILED: May 10 and July 15, 1946, District of Minnesota and Eastern District of Texas.

ALLEGED SHIPMENT: On or about March 7 and 16, 1946, by Theo Nett & Co., from Chicago, Ill.

PRODUCT: Topsy Stabilizer. 10 1-gallon jugs at Minneapolis, Minn., and 4 1-gallon jugs at Port Arthur, Tex.

LABEL, IN PART: (Portion) "Theo Nett Flavors"; (both lots) "Topsy Stabilizer."

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling of the article was misleading. The statement "Topsy Stabilizer" together with the directions for use, represented to purchasers that the article was wholesome and suitable for use as a component of foods, whereas the article contained per 100 cc., about 1.31 grams of quaternary ammonium compound, which is a poisonous and deleterious substance, and the labeling failed to reveal this material fact.

DISPOSITION: July 3 and October 18, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

11113. Adulteration of beer. U. S. v. 1,669 Cases and 771 Cases * * *. (F. D. C. Nos. 21764, 22718. Sample Nos. 67280–H, 90767–H.)

LIBELS FILED: November 26, 1946, and March 27, 1947, District of Nebraska and Eastern District of Virginia, respectively.

ALLEGED SHIPMENT: On or about October 14 and 19 and November 16, 21, and 28, 1946, by the Prima-Bismarck Brewing Co., from Chicago, Ill.

PRODUCT: 1,669 cases at Omaha, Nebr., and 771 cases at Alexandria, Va., each case containing 24 12-ounce bottles of beer.

LABEL, IN PART: "Koenig Brau Premium Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained monochloracetic acid.

DISPOSITION: On January 28, 1947, the Prima-Bismarck Brewing Co., claimant for the Omaha lot, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. On April 21, 1947, no claimant having appeared for the remaining lot, judgment of condemnation was entered and the product was ordered destroyed.

11114. Adulteration of beer. U. S. v. 853 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 21710, 21723, 21749. Sample Nos. 36035–H, 36037–H, 67447–H.)

LIBELS FILED: November 14, 20, and 25, 1946, District of Kansas.

ALLEGED SHIPMENT: On or about October 15, 23, and 25, 1946, by the Birk Brothers Brewing Co., from Galewood and Chicago, Ill.

PRODUCT: Beer. 853 cases, 150 cases, and 600 cases at Kansas City, Hutchinson, and Topeka, Kans., respectively. Each case contained 24 12-fluid-ounce bottles.

LABEL, IN PART: "Trophy Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained monochloracetic acid.

DISPOSITION: November 29, 1946. The Birk Brothers Brewing Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the contents of the bottles be destroyed under the supervision of the Federal Security Agency.

11115. Adulteration of beer. U. S. v. 462 Cases * * *. (F. D. C. No. 21701. Sample No. 67448–H.)

LIBEL FILED: November 13, 1946, District of Kansas.

ALLEGED SHIPMENT: On or about October 24, 1946, by the Keeley Brewing Co., from Chicago, Ill.

PRODUCT: 462 cases, each containing 24 12-ounce bottles, of beer at Kansas City, Kans.

LABEL, IN PART: "Keeley Just Right Half and Half Blend of Beer and Ale."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained monochloracetic acid.

DISPOSITION: March 4, 1947. The Keeley Brewing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the contents of the bottles be destroyed under the supervision of the Federal Security Agency.

11116. Adulteration of wine. U. S. v. 5,975 Gallons and 225 Cases * * *. (F. D. C. No. 22664. Sample Nos. 83203–H, 83208–H, 83210–H.)

LIBEL FILED: March 6, 1947, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about July 15, 1946, by Caves Sainte Richarde, from Bronx, N. Y.

PRODUCT: Wine. 3 tanks containing approximately 5,975 gallons and 225 cases each containing 6 ½-gallon bottles at Covington, Ky. All of the wine was shipped in bulk, and the 225 cases represented a portion which had been bottled by the consignee. Analysis showed that the product contained monochloracetic acid ranging from 135 to 180 parts per million.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained monochloracetic acid.

DISPOSITION: October 20, 1947. Default decree of condemnation and destruction.

11117. Adulteration of wine. U. S. v. 533 Gallons * * * (and 2 other seizure actions). (F. D. C. Nos. 22539, 22550, 22551. Sample Nos. 50586–H, 50590–H, 50591–H.)

LIBELS FILED: February 19, 1947, Eastern District of Louisiana.

ALLEGED SHIPMENT: Between the approximate dates of May 27 and October 19, 1946, by the C. Schilling Co., from Muir Station, Calif.

PRODUCT: Wine. 633 cases, each containing 4 1-gallon jugs, 156 cases, each containing 6 ½-gallon jugs, and 533 gallons, some in bulk, and a quantity packed in bottles of various sizes.

LABEL, IN PART: "Diamond California Sweet Vino Rosso," "Vinehill Vino Rosso," "Block Brand California Sweet Vino," or "B&B Brand California Sweet Vino."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained monochloracetic acid.

DISPOSITION: July 28, 1947. Default decrees of condemnation and destruction.

11118. Adulteration of wine. U. S. v. 4,576 Gallons * * *. (F. D. C. No. 22665. Sample Nos. 83204–H, 83211–H.)

LIBEL FILED: March 6, 1947, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about October 3, 1946, by the Monte Carlo Wine Co., Inc., from New Brunswick, N. J.

PRODUCT: 4,576 gallons of wine at Covington, Ky. Analysis showed that the product contained approximately 227 parts per million of monochloracetic acid.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained monochloracetic acid.

DISPOSITION: October 20, 1947. Default decree of condemnation and destruction.

11119. Adulteration of peach wine. U. S. v. 615 Gallons * * *. (F. D. C. No. 23135. Sample No. 6560–H.)

LIBEL FILED: May 23, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about October 31, 1946, by the Monte Carlo Wine Co., New Brunswick, N. J.

PRODUCT: 615 gallons of peach wine at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained monochloracetic acid.

DISPOSITION: October 22, 1947. Default decree of condemnation and destruction.

11120. Adulteration of wine. U. S. v. 1,804 Gallons * * *. (F. D. C. No. 23098. Sample No. 55023–H.)

LIBEL FILED: May 1, 1947, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about January 31, 1947, by the Canandaigua Industries Co., Inc., from Canandaigua, N. Y.

PRODUCT: 1,804 gallons of white wine at Greensboro, N .C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained monochloracetic acid.

DISPOSITION: June 2, 1947. The claimant and owner having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

11121. Adulteration of wine. U. S. v. 99 Cases * * *. (F. D. C. No. 22657. Sample Nos. 74393–H to 74396–H, incl.)

LIBEL FILED: February 27, 1947, District of Massachusetts.

ALLEGED SHIPMENT: On or about June 17 and 25, 1946, and January 20, 1947, by the Canandaigua Industries Co., from Canandaigua, N. Y.

PRODUCT: Wine. 99 cases, each containing 12 ⅕-gallon bottles, 200 cases, each containing 12 1-quart bottles, 251 cases, each containing 6 ½-gallon bottles, 210 cases, each containing 4 1-gallon bottles, and 154 50-gallon barrels, at Boston, Mass. Analysis showed that the product contained monochloracetic acid in amounts ranging from 74 to 95 parts per million.

LABEL, IN PART: "Kosher New York State Concord [or "Red"] Grape Wine."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained monochloracetic acid.

DISPOSITION: October 20, 1947. Default decree of condemnation and destruction.

11122. Adulteration of wine. U. S. v. 112 Cases * * *. (F. D. C. No. 22508. Sample Nos. 77126–H, 77132–H.)

LIBEL FILED: February 13, 1947, District of Minnesota.

ALLEGED SHIPMENT: On or about May 6 and 21, 1946, by the Canandaigua Industries Co., from Canandaigua, N. Y.

PRODUCT: Wine. 112 cases, each containing 12 ⅕-gallon bottles, 117 cases, each containing 12 1-quart bottles, 9 cases, each containing 4 1-gallon bottles, 3 cases, each containing 6 ½-gallon bottles, and 1 cask containing approximately 2,199 gallons, at St. Paul, Minn. Analysis showed that the product contained approximately 94 parts per million of monochloracetic acid.

LABEL, IN PART: (Bottle) "Temple Brand New York State Concord Wine Bottled by Mid-West Wine Co., Inc., St. Paul, Minn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained monochloracetic acid.

DISPOSITION: March 31, 1947. Default decree of destruction.

11123. Adulteration of wine. U. S. v. 48 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 22652, 23041. Sample Nos. 85607–H, 91761–H.)

LIBELS FILED: On or about March 27 and May 22, 1947, Western District of Virginia and District of Colorado.

ALLEGED SHIPMENT: On or about August 27 and October 31, 1946, by the LaSalle Products Co., from New York, N. Y.

PRODUCT: Wine. 48 cases at Denver, Colo., and 72 cases at Lexington, Va., each case containing 12 ⅕-gallon bottles. Analyses showed that the two lots of the product contained approximately 88 and 89 parts per million of monochloracetic acid, respectively.

LABEL, IN PART: "Old Fashioned Brand American Concord Grape Wine."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained monochloracetic acid.

DISPOSITION: June 2 and December 1, 1947. Default decrees of condemnation and destruction.

11124. Adulteration of wine. U. S. v. 114 Cases * * *. (F. D. C. No. 22828. Sample Nos. 43197–H, 43198–H.)

LIBEL FILED: On or about April 11, 1947, Western District of Virginia.

ALLEGED SHIPMENT: On or about October 2 and 17, 1946, by the Garcia Wine Corp., from Long Island City, N. Y.

PRODUCT: 114 cases, each containing 4 1-gallon bottles, and 244 cases, each containing 6 ½-gallon bottles, of wine at Staunton, Va. Analysis showed that the product contained monochloracetic acid in amounts ranging from 135 to 156 parts per million.

LABEL, IN PART: "Blue Ribbon Brand Reserve American Concord Grape Wine."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained monochloracetic acid.

DISPOSITION: October 28, 1947. Default decree of condemnation and destruction.

11125. Adulteration of wine. U. S. v. 11 Cases and 498 Cases * * *. (F. D. C. Nos. 23088, 23106. Sample Nos. 55006–H to 55010–H, incl., 89221–H.)

LIBELS FILED: May 9 and June 30, 1947, Eastern District of North Carolina and District of Colorado.

ALLEGED SHIPMENT: Between the approximate dates of December 24, 1946, and February 25, 1947, by the Medallion Wine Corp., from New York, N. Y.

PRODUCT: Wine. 11 cases at Denver, Colo., and 498 cases at Raleigh, N. C. Each case contained 12 ⅕-gallon bottles or 24 $\frac{1}{10}$-gallon bottles.

LABEL, IN PART: "Medallion's Private Stock American Blackberry [or "Peach"] Wine," or "Medallion 100% Pure California Sauterne Wine."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the articles contained monochloracetic acid.

DISPOSITION: July 28, 1947. Default decrees of condemnation and destruction.

11126. Adulteration of wine. U. S. v. 62 Cases and 126 Cases * * *. (F. D. C. No. 23047. Sample Nos. 85615–H, 85616–H.)

LIBEL FILED: On or about May 28, 1947, Western District of Virginia.

ALLEGED SHIPMENT: On or about March 6, 1947, by the Car-Cal Winery, from Greensboro, N. C.

PRODUCT: 188 cases, each containing 12 ⅕-gallon bottles, of wine at Harrisonburg, Va. Analysis showed that the product contained monochloracetic acid, approximating 91 parts per million in one lot and 157 parts per million in the other lot.

LABEL, IN PART: "Old Duke Brand 100 Percent Pure American Red Grape Wine," or "Old Duke Brand American Apple Wine."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained monochloracetic acid.

DISPOSITION: October 28, 1947. Default decree of condemnation and destruction.

11127. Adulteration of wine. U. S. v. 17 Cases and 36 Cases * * *. (F. D. C. Nos. 22475, 22641. Sample Nos. 52787–H, 60984–H.)

LIBELS FILED: February 6 and March 18, 1947, Northern and Southern Districts of Ohio.

ALLEGED SHIPMENT: On or about October 10 and 22, 1946, by the Fresno Wine Co., from Milwaukee, Wis.

PRODUCT: 17 cases, each containing 4 1-gallon jugs, of blackberry-flavored grape wine at Cleveland, and 28 cases, each containing 4 1-gallon bottles, and 8 cases, each containing 6 ½-gallon bottles, of the same product at Steubenville, Ohio.

LABEL, IN PART: "Mar-Vista American Blackberry Flavored Grape Wine Bottled by Arthur M. Block, Liquor Importers, Inc., Milwaukee, Wis."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained monochloracetic acid.

DISPOSITION: April 1 and May 2, 1947. Default decrees of condemnation and destruction.

11128. Adulteration of wine. U. S. v. 424 Cases * * *. (F. D. C. No. 22587. Sample Nos. 41411–H to 41415–H, incl.)

LIBEL FILED: February 27, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about April 3, October 24, and November 7, 1946, by Mont LaSalle Vineyards, from Napa, Calif.

PRODUCT: 424 cases of wine, each containing 12 ⅕-gallon bottles, at St. Louis, Mo.

LABEL, IN PART: "The Christian Brothers Pure California Chablis [or "Cabernet," "Riesling," "Sauterne," or "Burgundy"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the articles contained monochloracetic acid.

DISPOSITION: May 6, 1947. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

11129. Adulteration of wine. U. S. v. 46 Cases * * *. (F. D. C. No. 22721. Sample No. 65479–H.)

LIBEL FILED: March 25, 1947, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 10, 1946, by Wine Growers Guild, from New York, N. Y.

PRODUCT: 46 cases, each containing 12 ⅕-gallon bottles, of wine at Philadelphia, Pa.

LABEL, IN PART: "Dudenhoefer American May Wine * * * Prepared and Bottled by Joseph Dudenhoefer Co. Milwaukee, Wisconsin."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained monochloracetic acid.

DISPOSITION: April 22, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11130. Adulteration of blackberry wine. U. S. v. 1,040 Cases * * *. (F. D. C. No. 22624. Sample No. 61317–H.)

LIBEL FILED: March 17, 1947, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 30, 1946, by the Monte Cassino Wine Co., from Cincinnati, Ohio.

PRODUCT: 1,040 cases, each containing 12 ⅕-gallon bottles, of blackberry wine at Pittsburgh, Pa.

LABEL, IN PART: "American Blackberry Wine Monte Cassino."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained monochloracetic acid.

DISPOSITION: October 10, 1947. Default decree of condemnation and destruction.

11131. Adulteration of blackberry wine. U. S. v. 505 Cases * * *. (F. D. C. No. 23206. Sample No. 87507–H.)

LIBEL FILED: June 20, 1947, Eastern District of New York.

ALLEGED SHIPMENT: On or about May 14, 1947, by the Pennsylvania Liquor Control Board, from Pittsburgh, Pa. This was a return shipment.

PRODUCT: 505 cases, each containing 12 ⅕-gallon bottles, of blackberry wine at Brooklyn, N. Y.

LABEL, IN PART: "B&S American Blackberry Wine * * * Bottled by Atlas Import & Export Corporation New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained monochloracetic acid.

DISPOSITION: October 24, 1947. The Atlas Import & Export Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed and that the bottles be salvaged.

11132. Adulteration of Burgundy wine. U. S. v. 50 Cases * * *. (F. D. C. No. 23132. Sample Nos. 87526–H, 87533–H.)

LIBEL FILED: On or about May 26, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about February 13, 1947, by the Penn Yan Wine Cellars, Inc., from Penn Yan, N. Y.

PRODUCT: 50 cases, each containing 6 ½-gallon bottles, of Burgundy wine at Hackensack, N. J.

LABEL, IN PART: "Penn Yan's Chancery Lane Recorded Bottling New York State Burgundy."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained monochloracetic acid.

DISPOSITION: June 23, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS*

11133. Adulteration of cake. U. S. v. Frank H. Ernst (Frank's Bakery). Plea of nolo contendere. Fine, $500 and costs. (F. D. C. No. 20139. Sample Nos. 41764–H to 41766–H, incl., 41769–H.)

INDICTMENT RETURNED: June 19, 1946, Southern District of West Virginia, against Frank H. Ernst, trading as Frank's Bakery, Bluefield, W. Va.

ALLEGED SHIPMENT: On or about April 3, 1946, from the State of West Virginia into the State of Virginia.

LABEL, IN PART: "Frank's Bakery, Bluefield, W. Va. Devil Food [or "Delicious Cake"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 20, 1946. The defendant having entered a plea of nolo contendere, the court imposed a fine of $500 and costs.

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*See also No. 11150.

11134. Adulteration and misbranding of ice cream cones. U. S. v. Eastern Baking Co., a partnership, and Nathan Shapiro and Samuel Shapiro, Jr. Pleas of guilty on behalf of the partnership and Nathan Shapiro, and plea of nolo contendere on behalf of Samuel Shapiro, Jr. Fines of $300 each against the partnership and Nathan Shapiro and $100 against Samuel Shapiro, Jr. (F. D. C. No. 19522. Sample Nos. 3113–H, 7215–H, 11178–H to 11180–H, incl.)

INFORMATION FILED: April 10, 1946, District of Massachusetts, against the Eastern Baking Co., Chelsea, Mass., and Nathan Shapiro and Samuel Shapiro, Jr., partners.

ALLEGED SHIPMENT: Between the approximate dates of June 21 and July 3, 1945, from the State of Massachusetts into the States of New York, Maine, and New Hampshire, and the District of Columbia.

LABEL, IN PART: "Toot Cake Cup Cones" or "'Fro-Joy' Cake Cones * * * Made under rigid sanitary conditions * * * General Ice Cream Corporation."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent hair fragments, insect fragments, whole beetles, insect larvae, and a cat hair fragment; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

Misbranding, Section 403 (a), the statement "Made under rigid sanitary conditions," borne on the labels of one of the shipments, was false and misleading since the article was made under insanitary conditions in a dirty plant infested with insects and rodents.

DISPOSITION: April 8, 1947. Pleas of guilty having been entered by Nathan Shapiro on behalf of himself and the partnership, and a plea of nolo contendere having been entered by Samuel Shapiro, Jr., the court imposed fines of $300 each against the partnership and Nathan Shapiro and $100 against Samuel Shapiro, Jr.

11135. Adulteration of cookies. U. S. v. 93 Packages * * * (and 2 other seizure actions). (F. D. C. Nos. 20077, 20355, 20356. Sample Nos. 36024–H to 36026–H, incl., 56523–H to 56526–H, incl.)

LIBELS FILED: On or about June 7 and 26 and July 2, 1946, District of Kansas.

ALLEGED SHIPMENT: Between the approximate dates of March 29 and May 21, 1946, by the Heart of America Baking Co., from Kansas City, Mo.

PRODUCT: 93 12-ounce and 15-ounce packages of assorted cookies and sandwich cookies at Kansas City, Kans., 234 12-ounce and 15-ounce packages of sandwich cookies at Topeka, and 663 and 234 15-ounce packages of sandwich cookies at McPherson and Great Bend, Kans., respectively.

LABEL, IN PART: "Sweetheart Sandwich Cookies [or "Assorted," or "Banana"]," or "Sweetheart Fancy Assorted Cookies."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence (in one lot) of rodent excreta, rodent hair fragments, insect fragments, and (in remaining lots) either insects or insect parts, or both; and, Section 402 (a) (4), (all lots) the products had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: September 11 and October 9, 1946. No claimant having appeared for any of the lots, judgments of condemnation were entered and the products were ordered destroyed.

11136. Adulteration of oatmeal cookies. U. S. v. 19 Cases * * *. (F. D. C. No. 19838. Sample No. 35505–H.)

LIBEL FILED: May 6, 1946, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about April 13, 1946, by the Sweetheart Cookie Co., from St. Louis, Mo.

PRODUCT: 19 cases, each containing 14½ pounds, of cookies at Centralia, Ill.

LABEL, IN PART: "Addie Mae Oatmeal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with fifth.

DISPOSITION: September 25, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, conditioned that it be denatured for use as stock and poultry feed.

CORN MEAL

11137. Adulteration of corn meal. U. S. v. Auburn Roller Mills. Plea of nolo contendere. Fine, $750 and costs. (F. D. C. No. 19553. Sample Nos. 13661–H, 13663–H, 13667–H, 14117–H, 14123–H, 14124–H.)

INFORMATION FILED: May 27, 1946, Western District of Kentucky, against Auburn Roller Mills, a partnership, Auburn, Ky.

ALLEGED SHIPMENT: Between the approximate dates of July 23 and October 30, 1945, from the State of Kentucky into the State of Tennessee.

LABEL, IN PART: "Water Maid Bolted Meal Snow-White Air-Lite," or "Old Time Cream Meal, C. B. Ragland Co., Nashville, Tennessee, Distributors."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta fragments, rodent hairs, rodent hair fragments, larvae, and insect fragments; and, Section 402 (a) (4), (3 lots only) the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 21, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed fines of $125 on each of 6 counts, a total fine of $750, plus costs.

11138. Adulteration of corn meal. U. S. v. Keco Flour and Feed Co. Plea of nolo contendere. Fine, $1,000. (F. D. C. No. 19546. Sample Nos. 23531–H, 23533–H, 23534–H.)

INFORMATION FILED: July 3,1947, Western District of Tennessee, against the Keco Flour & Feed Co., a partnership, McKenzie, Tenn.

ALLEGED SHIPMENT: On or about November 7 and 14, 1945, from the State of Tennessee into the State of Kentucky.

LABEL, IN PART: "Acro Highest Quality Cream Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta fragments, rodent hairs, insect fragments, and insects; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 12, 1947. A plea of nolo contendere having been entered, the defendant was fined $1,000.

11139. Adulteration of corn meal. U. S. v. The Patterson Milling Co. Plea of guilty. Fine, $1,000. (F. D. C. No. 20131. Sample Nos. 52508–H, 52587–H.)

INFORMATION FILED: June 18, 1946, Southern District of Ohio, against the Patterson Milling Co., a corporation, Piketon, Ohio.

ALLEGED SHIPMENT: On or about October 20 and 29, 1945, from the State of Ohio into the State of Kentucky.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted whole or in part of a filthy substance by reason of the presence of rodent excreta fragments.

DISPOSITION: July 17, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $500 on each count, a total fine of $1,000.

11140. Adulteration of corn meal. U. S. v. John A. Truitt (City Roller Mills). Plea of guilty. Fine, $100. (F. D. C. No. 20145. Sample Nos. 14244–H, 14245–H, 14247–H, 14566–H, 14577–H.)

INFORMATION FILED: July 16, 1946, Southern District of Indiana, against John A. Truitt, trading as City Roller Mills, Vevay, Ind.

ALLEGED SHIPMENT: Between the approximate dates of September 26 and October 25, 1945, from the State of Indiana into the State of Kentucky.

LABEL, IN PART: "Fresh Ground Lily of the Valley Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent excreta.

DISPOSITION: September 5, 1946. A plea of guilty having been entered by the defendant, the court imposed a fine of $100.

11141. Adulteration of corn meal. U. S. v. Whitlock Mills. Plea of guilty. Fine, $100. (F. D. C. No. 19037. Sample No. 23530-H.)

INFORMATION FILED: December 4, 1946, Western District of Tennessee, against Whitlock Mills, a partnership, Whitlock, Tenn.

ALLEGED SHIPMENT: On or about November 10, 1945, from the State of Tennessee into the State of Kentucky.

LABEL, IN PART: "Stone Ground Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta fragments, insect fragments, and insect excreta.

DISPOSITION: January 6, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $100.

11142. Adulteration of corn meal and corn flour. U. S. v. 25 Bags of White Corn Meal, etc. (F. D. C. No. 20035. Sample Nos. 18120-H, 18121-H.)

LIBEL FILED: June 11, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: April 19 and May 4, 1946, by Paoli Mill, from Paoli, Wis.

PRODUCT: 25 bags of white corn meal and 41 bags of yellow corn meal and yellow corn flour at Chicago, Ill.

LABEL, IN PART: "Special White Corn Meal [or "Yellow Corn Meal," or "Yellow Corn Flour"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent excreta fragments and rodent hairs.

DISPOSITION: August 5, 1946. Default decree of condemnation and destruction.

FLOUR*

11143. Adulteration of pastry flour. U. S. v. 100 Bags * * *. (F. D. C. No. 20007. Sample No. 52659-H.)

LIBEL FILED: May 22, 1946, Southern District of Indiana.

ALLEGED SHIPMENT: On or about January 30, 1946, from Hutchinson, Kans.

PRODUCT: 100 100-pound bags of pastry flour at Indianapolis, Ind., in possession of Indianapolis Warehouse & Storage Co. The article was stored under insanitary conditions. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the article contained rodent excreta and rodent hairs.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: July 23, 1946. No claimant having appeared, judgment was entered ordering that the fit and unfit portions be separated under the supervision of the Food and Drug Administration and delivered to charitable organizations. It was further ordered that the fit portion be used for human consumption and that the unfit portion be used for animal feed.

11144. Adulteration of enriched flour. U. S. v. Lexington Roller Mills, Inc. Plea of nolo contendere. Fine, $400 and costs. (F. D. C. No. 20122. Sample Nos. 13055-H, 13653-H.)

INFORMATION FILED: July 3, 1946, Eastern District of Kentucky, against Lexington Roller Mills, Inc., a corporation, Lexington, Ky.

ALLEGED SHIPMENT: May 16 and June 18, 1945, from the State of Kentucky into the State of Tennessee.

PRODUCT: One shipment of the flour contained less vitamin B_1 than declared, and the other shipment contained less vitamin B_1, riboflavin, niacin, and iron than declared.

LABEL, IN PART: (One shipment) "Enriched Lexington Cream * * * Flour * * * 8 ounces * * * contain not less than the following proportions

*See also No. 11142.

of the minimum daily requirements: Vitamin B_1, 100%; Riboflavin, 30%; Iron, 65%; * * * and 8 mg. of Niacin." The remaining shipment was labeled substantially the same.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents of the article had been in part omitted and abstracted.

DISPOSITION: January 24, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $200 on each count, a total fine of $400 and costs.

11145. Adulteration and misbranding of enriched flour. U. S. v. Dixie-Portland Flour Co. (The Arkansas City Flour Mills Co.). Plea of nolo contendere. Fine, $600. (F. D. C. No. 20181. Sample Nos. 23238–H, 23239–H, 23331–H.)

INFORMATION FILED: October 4, 1946, District of Kansas, against the Dixie-Portland Flour Co., trading as the Arkansas City Flour Mills Co., Arkansas City, Kans.

ALLEGED SHIPMENT: On or about July 25 and August 4, 1945, from the State of Kansas into the State of Arkansas.

LABEL, IN PART: (Portion) "Milled For and Baking Quality Guaranteed By Majestic Flour Mill Aurora, Mo. Enriched With Vitamins and Iron * * * Prince"; (remainder invoiced, in part) "Gingham Girl [or "Style Prints"] Phos Enr."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamin B_1 and, in one lot, vitamin B_1 and iron, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for enriched flour. All three lots contained *less* than 2 milligrams of vitamin B_1 per pound and one lot contained *less* than 13 milligrams of iron per pound, the minimum amounts of vitamin B_1 and iron prescribed by the regulations.

DISPOSITION: January 17, 1947. A plea of nolo contendere having been entered on behalf of the defendants, the court imposed a fine of $100 on each of the 6 counts, a total fine of $600.

11146. Misbranding of flour. U. S. v. Fraser Milling Company. (F. D. C. No. 20198. Sample No. 26333–H.)

INFORMATION FILED: May 10, 1947, Northern District of Texas, against the Fraser Milling Co., a corporation, Hereford, Tex.

ALLEGED SHIPMENT: On or about November 17, 1945, from the State of Texas into the State of New Mexico.

LABEL, IN PART: "Fraser's Sunny-Boy Extra High Quality Flour."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements and the design of wheat roots and a man displayed on the label of the article were false and misleading since the statements and design represented and suggested that the article would be efficacious in the prevention of tooth decay and that it contained five to seven times more calcium and phosphorus than average standard flours, whereas the article would not prevent tooth decay and it contained no more calcium and phosphorus than are found in average standard flours.

DISPOSITION: June 4, 1947. A plea of nolo contendere having been entered, the court imposed a fine of $25.

MACARONI AND NOODLE PRODUCTS

11147. Adulteration of macaroni and noodle products. U. S. v. Joseph Coffaro (J. Coffaro and Sons). Plea of nolo contendere. Fine, $600 and costs. (F. D. C. No. 19030. Sample Nos. 14799–H, 14800–H, 16125–H.)

INFORMATION FILED: February 28, 1946, Northern District of Illinois, against Joseph Coffaro, trading as J. Coffaro & Sons, Chicago, Ill.

ALLEGED SHIPMENT: July 24 and August 9, 1945, from the State of Illinois into the State of Michigan.

LABEL, IN PART: "Elbow Macaroni [or "Elbow Spaghetti"] Packed for Peninsular Milling Co., Flint, Mich.," or "Egg Noodles Broad Packed for Thrift Sales Co., Grand Rapids, Mich."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent excreta,

insect fragments, rodent hairs, and fragments resembling rodent hairs; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: April 14, 1947. A plea of nolo contendere having been entered by the defendant, the court imposed a fine of $600 and costs.

11148. Adulteration and misbranding of noodle products. U. S. v. Atlantic Macaroni Co., Inc., Frank A. Zunino, and Alex Q. Erminio. Pleas of guilty entered on behalf of the corporation on all counts of the information; pleas of guilty by the individual defendants on counts 1 and 2. Fines of $800 against the corporation, $1,600 against Frank A. Zunino, and $800 against Alex Q. Erminio. (F. D. C. No. 20211. Sample Nos. 7127–H to 7130–H, incl.)

INFORMATION FILED: March 17, 1947, Eastern District of New York, against the Atlantic Macaroni Co., Inc., Long Island City, N. Y., and Frank A. Zunino and Alex Q. Erminio, president and secretary, respectively, of the corporation.

ALLEGED SHIPMENT: On or about June 29, 1945, from the State of New York into the State of New Jersey.

LABEL, IN PART: "Caruso Brand Pure Egg Products."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, egg, had been in part omitted; and, Section 402 (b) (4), artificial color had been added to the article and mixed and packed with it so as to make it appear to be a noodle product which is better and of greater value than the article.

Misbranding Section 403 (a), the label statement "No Artificial Coloring" was false and misleading since the article contained artificial coloring; and, Section 403 (g) (1), the article purported to be and was represented as a noodle product and failed to conform to the definition and standard of identity for noodle products since the total solids of the article contained less than 5.5 percent by weight of the solids of egg or egg yolk and, further, since the article contained artificial coloring, which is not an optional ingredient of the article under the definition and standard.

DISPOSITION: May 8, 1947. Pleas of guilty having been entered on behalf of the corporation on all counts of the information and by the individual defendants on counts 1 and 2, the court imposed a fine of $100 on each of the 8 counts against the corporation; a fine of $800 on each of counts 1 and 2 against Frank Zunino; and a fine of $400 on each of counts 1 and 2 against Alex Erminio. Counts 3 through 8 against each individual defendant were dismissed.

11149. Adulteration of macaroni products. U. S. v. 15 Cases * * *. (F. D. C. No. 16204. Sample Nos. 27256–H to 27258–H, incl.)

LIBEL FILED: May 22, 1945, District of Idaho.

ALLEGED SHIPMENT: On or about April 24, 1945, by the U. S. Macaroni Mfg. Co., from Spokane, Wash.

PRODUCT: 15 cases of macaroni products at Lewiston, Idaho. 15 cases of noodles which were included in the libel were not seized.

LABEL, IN PART: "U. S. Taystie Cut Spaghetti [or "Cut Macaroni"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent hair fragments; and, Section 402 (a (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: November 16, 1945. Default decree of forfeiture. Products ordered disposed of as animal feed.

11150. Adulteration and misbranding of chow mein noodles and misbranding of Chinese Brown Sauce and Tea Rice Cakes. U. S. v. 4 Cases of Chinese Brown Sauce, 4 Cases of Chow Mein Noodles (and 2 other seizure actions against Chinese Brown Sauce and Tea Rice Cakes). (F. D. C. Nos. 19412, 19413. Sample Nos. 25662–H, 25663–H, 25666–H, 47463–H, 47465–H.)

LIBELS FILED: March 18, 1946, District of Utah.

ALLEGED SHIPMENT: On or about December 20 and 26, 1945, by the Oriental Food Products Co., from Los Angeles, Calif.

PRODUCT: 12 cases, each containing 24 jars, of Chinese Brown Sauce, 4 cases, each containing 24 jars, of chow mein noodles, and 26 cases, each containing 48 bags, of Tea Rice Cakes at Ogden, Utah; and 6 cases, each containing 48 bags, of Tea Rice Cakes at Salt Lake City, Utah.

LABEL, IN PART: "Contents 8 Fl. Oz. Jan-U-Wine Brand Chinese Brown Sauce," "Contents 4½ Oz. Avoir. Jan-U-Wine Brand Crisp Chow Mein Noodles," or "10 Cakes Jan-U-Wine Fortune & Tea Rice Cakes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (chow mein noodles and Tea Rice Cakes) the products consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

Misbranding, Section 403 (a), (Chinese Brown Sauce and chow mein noodles) the products failed to bear labels containing an accurate statement of the quantity of the contents. The Chinese Brown Sauce and chow mein noodles were short-weight.

DISPOSITION: August 1, 1947. Default decrees of condemnation and destruction.

11151. Adulteration of egg noodles in tomato sauce. U. S. v. 298 Cartons, 49 Jars, and 45 Cases * * *. (F. D. C. Nos. 20336, 20358. Sample Nos. 10788–H, 15349–H, 15350–H.)

LIBELS FILED: June 21, 1946, Western District of New York and Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 9, 1946, by Kurtz Brothers, from Bridgeport, Pa.

PRODUCT: 298 cartons, each containing 24 jars, of egg noodles in tomato sauce at Chicago, Ill., and 49 jars and 45 cases, each case containing 24 jars, of the same product at Buffalo, N. Y.

LABEL, IN PART: "Magic Chef."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: July 15 and 23, 1946. Kurtz Brothers, claimant for the Chicago lot, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration. No claimant having appeared for the Buffalo lot, judgment of condemnation was entered and the product was ordered destroyed.

11152. Adulteration and misbranding of spaghetti dinner. U. S. v. 111 Cartons * * *. (F. D. C. No. 20214. Sample No. 65314–H.)

LIBEL FILED: On or about June 6, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about February 4 and March 26, 1946, By Chef Boy-Ar-Dee Quality Foods, Inc., from Milton, Pa.

PRODUCT: 111 cartons, each containing 12 packages, of Chef Boy-Ar-Dee Spaghetti Dinner at Atlantic City, N. J. The packages contained a bundle of spaghetti, a jar of sauce, and a small can of a cheese product. The cheese product contained 14 percent of lactose, indicating the presence of a milk product other than cheese, and it was short of the declared weight.

LABEL, IN PART: (Package) "Chef Boy-Ar-Dee Spaghetti Dinner"; (cans) "Chef Boy-Ar-Dee Parmesan Style Grated Cheese Made with Partly Skimmed Milk Net Weight ¾ Ounce."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance high in lactose had been substituted in whole or in part for "Parmesan Style Grated Cheese."

Misbranding, Section 403 (a), the statement "Parmesan Style Grated Cheese" was false and misleading; and, Section 403 (e) (2), the labeling of the article failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: September 13, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

11153. Adulteration and misbranding of spaghetti dinner. U. S. v. 24 Cases * * *. (F. D. C. No. 20305. Sample No. 5329–H.)

LIBEL FILED: June 25, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 7, 1946, by the Universal Grocery Co., from New Britain, Conn. The shipment consisted of a lot of goods returned to the packer.

PRODUCT: 24 cases, each containing 12 cartons, of spaghetti dinner at Philadelphia, Pa. The cartons each contained a bundle of spaghetti, a jar of sauce, and an envelope containing a grated cheese product. The grated cheese product contained about 17 percent of lactose, indicating the presence of a milk product other than cheese, and it was short of the declared weight "½ Oz."

LABEL, IN PART: "Chef Rialto Italian Spaghetti Dinner Contents: 8 Oz. Spaghetti 8 Oz. Spaghetti Sauce ½ Oz. Grated Cheese Packed by Rialto Food Products, Philadelphia, Pa."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance high in lactose had been substituted in whole or in part for grated cheese.

Misbranding, Section 403 (a), the label statement "Grated Cheese" was false and misleading as applied to an article containing a milk product other than cheese; Section 403 (e) (2), the label failed to contain an accurate statement of the quantity of the contents since the label statement "½ Oz. Grated Cheese" was inaccurate; and, Section 403 (i) (2), the label failed to bear the common or usual name of each ingredient of the article.

DISPOSITION: September 4, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11154. Misbranding of spaghetti dinner and macaroni dinner. U. S. v. 108 Cartons, etc. (F. D. C. No. 19964. Sample Nos. 8398–H, 8399–H.)

LIBEL FILED: May 28, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about January 25 and March 1, 1946, by Kurtz Brothers, Bridgeport, Pa.

PRODUCT: 108 cartons of spaghetti dinner and 108 cartons of macaroni dinner at Bronx, N. Y. The spaghetti dinner contained a package of spaghetti, a bottle of sauce, and an envelope of grated cheese; the macaroni dinner contained loose macaroni and an envelope of grated cheese. The grated cheese in both products contained approximately 22 percent of lactose, indicating the presence of a milk product other than cheese. The grated cheese in the package containing the spaghetti dinner and the cartons of macaroni dinner were short weight.

LABEL, IN PART: (Cartons) "Magic Chef Spaghetti Dinner [or "Macaroni Dinner * * * Net Weight 8 Oz."]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance high in lactose had been substituted in whole or in part for grated cheese.

Misbranding, Section 403 (a), the designation "Grated Cheese" which appeared on the envelopes of grated cheese was false and misleading since the articles contained a milk product other than cheese; Section 403 (e) (2), (spaghetti dinner) it failed to bear a label containing an accurate statement of the quantity of the contents since the label statement on the carton "Cheese * * * Net Weight ½ Oz." and the label statement on the envelope of grated cheese "Grated Cheese * * * Net Weight ½ Oz." was inaccurate. Further misbranding, Section 403 (e) (2), (macaroni dinner) it failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Net Weight 8 Oz." was inaccurate.

DISPOSITION: June 14, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to charitable institutions.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

11155. Adulteration of brewers barley and brewers grits. U. S. v. Atlantic Co. Plea of nolo contendere. Fine, $200. (F. D. C. No. 20138. Sample Nos. 1212–H, 2359–H, 2360–H.)

LIBEL FILED: July 11, 1946, Eastern District of Virginia, against the Atlantic Co., a corporation, Norfolk, Va.

ALLEGED VIOLATION: During the period from on or about July 28 to September 25, 1945, the defendant held in interstate commerce at Norfolk, Va., 225 100-pound bags of brewers barley and 600 100-pound bags of brewers grits at its plant where the products were accessible to insects and were thereby subject to insect-infestation. Examination of samples disclosed that the barley and

*See also No. 11166.

grits were contaminated with insect excreta and were insect-infested. The barley had been shipped to the defendant on or about July 28, 1945, and the grits on or about September 6, 1945, from Manitowoc, Wis., and Mount Vernon, Ind., respectively.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of weevils, ants, flour beetles, grain beetles, an Indian meal moth, insect larvae and pupae, and insect webbing and cast skins; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: July 29, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $100 on each count, a total fine of $200.

11156. Adulteration of popcorn and potato chips. U. S. v. Denver Bar Supply Co. and Henry W. Levine. Pleas of nolo contendere. Fines, $20 against the partnership defendant and $600 against the individual defendant. (F. D. C. No. 20137. Sample Nos. 30318–H, 30319–H, 47307–H, 47309–H.)

LIBEL FILED: June 11, 1946, District of Colorado, against the Denver Bar Supply Co., a partnership, Denver, Colo., and Henry W. Levine, manager.

ALLEGED SHIPMENT: On or about October 16 and December 11 and 13, 1945, from the State of Colorado into the States of New Mexico, Montana, and Wyoming.

LABEL, IN PART: "Toasted Potato Chips Denver Potato Chip Co. Denver, Colo.," or "Duke's Better Flavor Pop Corn Denver Bar Supply Co. Denver, Colo."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent hair, setae, human hair, green particles (unidentified), a metallic-like substance, carbonaceous material, fibers, plant tissue, a mite, feather barbules, and nondescript dirt; and, Section 402 (a) (4), they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: August 23, 1946. Pleas of nolo contendere having been entered on behalf of the defendants, the court imposed total fines of $20 against the partnership and $600 against the individual.

11157. Adulteration of popcorn. U. S. v. 5 Bags, 7 Cans, and 2 Drums * * *. (F. D. C. Nos. 20334, 20406. Sample Nos. 9941–H, 60151–H.)

LIBELS FILED: June 17 and July 16, 1946, Western District of New York and Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 10 and June 5, 1946, from Norwalk and North Fairfield, Ohio, respectively, by Valentine Tidswell & Sons.

PRODUCT: 5 100-pound bags, 7 50-pound cans, and 1 300-pound drum and 1 100-pound drum of popcorn at Niagara Falls, N. Y., and Bradford, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 15 and September 17, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

11158. Adulteration of shelled popcorn. U. S. v. 200 Bags * * *. (F. D. C. No. 19824. Sample No. 51069–H.)

LIBEL FILED: May 6, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about January 22 and February 2, 1946, from Schaller, Iowa.

PRODUCT: 200 100-pound bags of shelled popcorn at Minneapolis, Minn., in possession of the Sunrise Food Products Co. The product was stored under insanitary conditions after shipment. Rodent excreta and urine stains were observed on the bags, and examination showed that the product had a musty, soapy, obnoxious odor. The product was contaminated with filth derived from slop water used in washing floor and steps of premises where it was stored.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance and was otherwise unfit for food by reason of contamination with filth derived from slop water; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 9, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of as animal feed.

11159. Misbranding of potato pancake mix. U. S. v. 51 Cases * * *. (F. D. C. No. 20072. Sample No. 58687–H.)

LIBEL FILED: June 12, 1946, Eastern District of Washington.

ALLEGED SHIPMENT: On or about May 14, 1946, by the Vanderwall Dried Foods Co., from Alhambra, Calif.

PRODUCT: 51 cases, each containing 48 4-ounce cartons, of potato pancake mix at Yakima, Wash.

LABEL, IN PART: "Idaho Joe's Quick Potato Pancake Mix * * * containing dried potatoes * * * wheat flour, corn meal."

NATURE OF CHARGE: Misbranding, Section 403 (a), the statement "Potato Pancake Mix" and the vignette of whole potatoes which appeared on the carton were misleading as applied to a product containing wheat flour and corn meal in addition to potatoes; and, Section 403 (d), the container of the article was so filled as to be misleading since the product occupied only about 65 percent of the volume of the carton.

DISPOSITION: October 8, 1946. No claimant having appeared, judgment of condemnation was entered and the marshal was ordered to deliver the product to whatever individual or institution the court might direct.

CHOCOLATE, SUGAR, AND RELATED PRODUCTS

CANDY

11160. Adulteration of candy. U. S. v. Deran Confectionery Co., Inc., and William S. Cox and Ralph Rizzo. Pleas of guilty. Fines, $300 against corporate defendant and $100 against each individual defendant. (F. D. C. No. 17866. Sample Nos. 11480–H to 11484–H, incl.)

INFORMATION FILED: July 18, 1946, District of Massachusetts, against the Deran Confectionery Co., Inc., Cambridge, Mass., and William S. Cox, vice president and general manager, and Ralph Rizzo, plant foreman.

ALLEGED SHIPMENT: On or about April 20 and 23, 1945, from the State of Massachusetts into the State of Rhode Island.

LABEL, IN PART: "Deran's Chocolates The Gold Package," or "Glen Valley Chocolates Caramel [or "Nut Nugat"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent hair fragments, whole insects, insect fragments, and cast skins; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: April 1, 1947. Pleas of guilty having been entered, the court imposed fines of $300 against the corporate defendant and $100 against each individual defendant.

11161. Adulteration of candy. U. S. v. Holshouser Candy Co., Claude A. Holshouser, and Sylvester A. Welch. Pleas of nolo contendere. Fine, $500. (F. D. C. No. 20156. Sample Nos. 236–H to 238–H, incl., 249–H, 270–H, 273–H to 275–H, incl., 1002–H.)

INFORMATION FILED: July 22, 1946, Western District of North Carolina, against the Holshouser Candy Co., a partnership, Charlotte, N. C., and Claude A. Holshouser, a partner, and Sylvester A. Welch, plant manager.

ALLEGED SHIPMENT: Between approximate dates of April 3 and June 13, 1945, from the State of North Carolina into the States of Georgia, South Carolina, Pennsylvania, and Ohio.

LABEL, IN PART: "Holshouser's Pineapple [or "Koko-Nut," or "Strawberry"] Candy Bar," or "Holshouser's Peanut Bar Net Weight 1¼ Ozs."

NATURE OF CHARGE: Pineapple, Koko-Nut, and Strawberry Candy Bars. Adulteration, Section 402 (b) (1), valuable constituents, pineapple, coconut, and strawberry, had been omitted from the articles; Section 402 (d), the articles were confectionery and contained a nonnutritive substance, mineral oil; and, Koko-Nut Candy Bar, Section 402 (b) (4), corn flakes had been added to the product and mixed and packed with it so as to make it appear to be a coconut bar, which is better and of greater value than the article was.

Misbranding, Section 403 (a), the names "Pineapple," "Koko-Nut," and "Strawberry," and the designs of a pineapple, a coconut tree, and a strawberry, on the respective wrappers, were false and misleading.

Peanut Bar. Adulteration, Section 402 (b) (2), a candy bar containing peanuts and puffed cereal had been substituted for "Peanut Bar," which the article was represented to be. Misbranding, Section 403 (e) (2), the label of the article failed to bear an accurate statement of the quantity of the contents since the statement "Net Weight 1¼ Ozs." was inaccurate, as the net weight of the packages was less than 1¼ ounces.

DISPOSITION: August 27, 1946. Pleas of nolo contendere having been entered on behalf of defendants, the court imposed a fine of $500.

11162. Adulteration of candy. U. S. v. J. & J. Candy Co. Plea of nolo contendere. Fine, $100. (F. D. C. No. 20177. Sample No. 291–H.)

INFORMATION FILED: September 5, 1946, Western District of North Carolina, against the J. & J. Candy Co., a partnership, Charlotte, N. C.

ALLEGED SHIPMENT: On or about August 2, 1945, from the State of North Carolina into the State of Arkansas.

LABEL, IN PART: "Ko-Ko-Nut Cream Bar."

NATURE OF CHARGE: Adulteration, Section 402 (d), the article was confectionery and contained mineral oil, a nonnutritive substance.

DISPOSITION: On October 7, 1946, a plea of nolo contendere having been entered by the defendant, the court imposed a fine of $100 on the first count of the information and suspended judgment on the other 2 counts. On April 7, 1947, the remaining counts were dismissed.

11163. Adulteration of candy. U. S. v. 3 Cases * * * (and 6 other seizure actions). (F. D. C. Nos. 20310, 20311, 20551, 20653, 20709, 20710, 20776. Sample Nos. 171–H to 173–H, incl., 1277–H to 1280–H, incl., 1476–H, 1925–H, 1926–H, 41938–H.)

LIBELS FILED: Between the dates of July 1 and September 6, 1946, Southern District of Florida, Eastern and Western Districts of South Carolina, Western District of Virginia, and Northern District of Georgia.

ALLEGED SHIPMENT: Between the approximate dates of May 20 and July 24, 1946, by United Food Brokers, from Atlanta, Ga., and Spartanburg, S. C.

PRODUCT: 1,451 pounds of candy (in various size containers) located, as follows: 3 cases at Bartow and 2 cases at Lake Wales, Fla.; 5 cases at Anderson, 6 cases at Columbia, and 3 cases at Sumter, S. C.; 7 cases at Roanoke, Va.; and 10 boxes at Atlanta, Ga.

LABEL, IN PART: "Tid Bits," "Cocktail Mints," "Small Mints," or "Lg. Mints."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: Between the dates of July 31, 1946, and January 8, 1947. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

11164. Adulteration of sugar-toasted peanuts. U. S. v. 100 Cartons * * *. (F. D. C. No. 19641. Sample No. 9682–H.)

LIBEL FILED: April 18, 1946, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 20, 1946, by the Sophie Mae Candy Corp., from Irvington, N. J.

PRODUCT: 100 cartons, each containing 36 ½-pound packages, of sugar-toasted peanuts at Pittsburgh, Pa.

LABEL, IN PART: "Sophie Mae Sugar Toasted Peanuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 18, 1946. No answer or other defense to the action having been made, judgment of condemnation was entered and the product was ordered destroyed.

11165. Adulteration of sugar-toasted peanuts. U. S. v. 42 Cartons * * * (F. D. C. No. 19642. *Sample No. 9683–H.)

LIBEL FILED: April 22, 1946, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 20, 1946, by the Sophie Mae Candy Corp., from Irvington, N. J.

PRODUCT: 42 cartons, each containing 36 ½-pound packages, of sugar-toasted peanuts at Altoona, Pa.

LABEL, IN PART: "Sophie Mae Sugar Toasted Peanuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 12, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution for use as hog feed or destroyed. The product was destroyed.

11166. Adulteration of popcorn confection. U. S. v. 22 Boxes * * *. (F. D. C. No. 19242. Sample No. 41829–H.)

LIBEL FILED: March 9, 1946, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about October 17, 1945, by the Almonette Candy Co., from Lynn, Mass.

PRODUCT: 22 boxes, each containing 60 ¾-ounce bars, of popcorn confection at Greenville, N. C.

LABEL, IN PART: "Tasty Crunchy Delicious Molasses, Peanut Cornette."

NATURE OF CHARGE: Adulteration, Section 402 (d), the article was confectionery and contained a nonnutritive substance, mineral oil.

DISPOSITION: January 13, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

SIRUP AND SUGAR*

11167. Adulteration and misbranding of maple sirup. U. S. v. 23 Jugs * * *. (F. D. C. No. 20293. Sample No. 63335–H.)

LIBEL FILED: June 21, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about May 9, 1946, by C. Ferrari, Inc., from New York, N. Y.

PRODUCT: 23 1-gallon jugs of maple sirup at Clifton, N. J.

LABEL, IN PART: "Vermont Maple Syrup Pure Exclusive Distributors Burlington, Vt. St. Johns Boro."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, maple sirup, had been in whole or in part omitted from the article; Section 402 (b) (2), an artificially flavored and colored mixture of sucrose and corn sirup, containing little, if any, maple sirup, had been substituted in whole or in part for maple sirup; Section 402 (b) (3), inferiority had been concealed by the addition of artificial flavor and color; and, Section 402 (b) (4), artificial flavor and color had been added to and mixed and packed with the article so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the label statement "Vermont Maple Syrup Pure" was false and misleading; Section 403 (e), the label failed to bear the name and place of business of the manufacturer, packer, or distributor, and

*See also No. 11201.

an accurate statement of the quantity of the contents; Section 403 (i) (2), it failed to bear the common or usual name of each ingredient; and, Section 403 (k), the article contained artificial flavoring, artificial coloring, and a chemical preservative, and it failed to bear labeling stating that fact.

DISPOSITION: The case, on motion of the claimant, Charles Ferrari, Inc., was transferred from the District of New Jersey to the Southern District of New York and there consolidated with another action against the same product. On August 30, 1946, the claimant having admitted the allegations of the libels, judgment of condemnation was entered and both lots were ordered released under bond for relabeling under the supervision of the Federal Security Agency.

11168. Adulteration and misbranding of maple sirup. U. S. v. 82 Jugs and 31 Jars * * *. (F. D. C. Nos. 20294, 20513. Sample Nos. 63334–H, 63881–H.)

LIBELS FILED: June 24 and July 11, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about April 22 and 25 and May 29, 1946, by H. Axt, from Newark, N. J.

PRODUCT: 82 1-gallon jugs and 31 1-gallon jars of maple sirup at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), (2), and (3), and misbranding, Section 402 (a), (e), (i), and (k). The labels and the adulteration and misbranding charges were the same as those in the case involving maple sirup reported in the preceding notice of judgment, No. 11167, with the exception that the 82-jug lot was not charged to contain artificial color or chemical preservative.

DISPOSITION: The case against the 82 jugs was consolidated with a case instituted in the District of New Jersey, which latter case had been transferred to the Southern District of New York. Subsequently, judgment of condemnation was entered in the consolidated case, as reported in the preceding notice of judgment.

On August 2, 1946, no claimant having appeared for the 31-jar lot, judgment of condemnation and destruction was entered; however, on August 27, 1946, the order of destruction was vacated, and the product was ordered delivered to charitable institutions.

11169. Adulteration and misbranding of maple sirup. U. S. v. 299 Jars * * * (and 5 other seizure actions). (F. D. C. Nos. 20295, 20527 to 20529, incl., 20573, 20574. Sample Nos. 8492–H, 8497–H, 15833–H, 53023–H, 53028–H, 53029–H.)

LIBELS FILED: Between the dates of June 25 and August 2, 1946, Northern District of Ohio, District of Connecticut, and Eastern District of Michigan.

ALLEGED SHIPMENT: Between the approximate dates of April 19 and June 1, 1946, by Zall & Levinson, from Newark, N. J.

PRODUCT: Maple sirup. 617 gallons at Cleveland, Ohio; 294 gallons at New Haven and 60 gallons at Bridgeport, Conn.; and 95 gallons at Detroit, Mich. Analysis showed that the product was artificially flavored and colored sugar sirup, containing little, if any, maple sirup. Some of the lots contained undeclared benzoate of soda.

LABEL, IN PART: "Vermont Maple Syrup Pure."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, maple sirup, had been in whole or in part omitted from the article; Section 402 (b) (2), an artificially flavored and colored sugar sirup, containing little, if any, maple sirup, had been substituted in whole or in part for maple sirup; Section 402 (b) (3), inferiority had been concealed by the addition of artificial flavoring and coloring; and, Section 402 (b) (4), artificial flavoring and coloring had been added to the article and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the label statement "Vermont Maple Syrup Pure" was false and misleading; Section 403 (e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (i) (2), the label of the article failed to bear the common or usual name of each of its ingredients; and, Section 403 (k), the article contained artificial flavoring, artificial coloring, and (3 lots only) a chemical preservative, and it failed to bear labeling stating those facts.

DISPOSITION: Between July 17 and December 10, 1946. The Hollenden Hotel, the Hotel Statler, Inc., and the Cleveland Terminals Building Co., claimants for the Cleveland lots, Yale University, New Haven, Conn., claimant for the New Haven lot, and the Statler Hotel, Detroit, Mich., claimant for the Detroit lot, having consented to the entry of decrees, and no claimant having appeared for the Bridgeport lot, judgments of condemnation were entered. It was ordered that the Bridgeport lot be distributed to charitable institutions, and that the remainder be released under bond for relabeling under the supervision of the Federal Security Agency.

11170. Adulteration and misbranding of maple sirup. U. S. v. 198 and 78 Cans and 110 and 6 Cases * * *. (F. D. C. Nos. 20002, 20003, 20526, 20575. Sample Nos. 53030–H, 53117–H, 53118–H, 59883–H.)

LIBELS FILED: May 20, July 13, and August 2, 1946, Northern and Southern Districts of Ohio.

ALLEGED SHIPMENT: On or about March 6 and 22, 1946, Theodore Zall shipped 78 gallons and 36 gallons from Newark, N. J., and on or about April 12 and May 11, 1946, Zall & Levinson shipped 308 gallons from Newark, N. J.

PRODUCT: Maple sirup. 276 1-gallon cans at Columbus, 6 cases, each containing 6 gallons, at Cleveland, Ohio, and 110 cases, each containing 6 1-gallon cans, at Youngstown, Ohio. The Youngstown lot, 198 gallons of the lot at Columbus, and the Cleveland lot were in part fermented and decomposed. The Youngstown and Cleveland lots consisted of artificially flavored and colored sugar sirup, containing little, if any, maple sirup. The Columbus lots contained about 60 percent sugar solids, whereas maple sirup should contain 65 percent sugar solids.

LABEL, IN PART: "Vermont Maple Syrup Pure Exclusive Distributors Burlington, Vt."

NATURE OF CHARGE: Columbus lot. Adulteration, Section 402 (b) (2), sweetened water had been substituted in whole or in part for maple sirup; and, Section 402 (a) (3), (198 cans only) the product consisted in whole or in part of a decomposed substance.

Youngstown and Cleveland lots. Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance; Section 402 (b) (1), a valuable constituent, maple sirup, had been in whole or in part omitted; Section 402 (b) (2), artificially flavored and colored sugar sirup, containing little, if any, maple sirup, had been substituted for maple sirup; Section 402 (b) (3), inferiority had been concealed by the addition of artificial flavoring and coloring; and, Section 402 (b) (4), artificial flavoring and coloring had been added to the article and mixed and packed with it so as to make the article appear better and of greater value than it was. Misbranding, Section 403 (a), the label statement "Vermont Maple Syrup Pure" was false and misleading; Section 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (i) (2), it was fabricated from 2 or more ingredients, and its label failed to bear the common or usual name of each ingredient; and, Section 403 (k), it contained artificial flavoring and coloring and failed to bear labeling stating that fact.

DISPOSITION: On July 3, 1946, no claimant having appeared for the Columbus lot, judgment of condemnation was entered and the product was ordered destroyed. On August 16, 1946, Pick Hotels Corp., claimant for the Youngstown lot, and the Hotel Statler Co., Inc., claimant for the Cleveland lot, having admitted the facts in the respective libels, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be disposed of in compliance with the law, under the supervision of the Food and Drug Administration.

11171. Adulteration of sugar sirup. U. S. v. 18 Barrels * * *. (F. D. C. No. 19948. Sample No. 1195–H.)

LIBEL FILED: May 23, 1946, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about April 25 and May 19, 1944, by the Dominion Sales Co., from Long Island City, N. Y.

PRODUCT: 18 53-gallon barrels of sugar sirup at Winston-Salem, N. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, monochloracetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice.

DISPOSITION: May 8, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11172. Adulteration of sugar. U. S. v. 250 Bags * * *. (F. D. C. No. 19457. Sample No. 1632–H.)

LIBEL FILED: March 27, 1946, Southern District of Georgia.

ALLEGED SHIPMENT: On or about October 4, 1946, from Columbia, S. C.

PRODUCT: 250 100-pound bags of sugar at Augusta, Ga., in possession of the City Bonded Warehouse. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the product contained rodent excreta, rodent hairs, and urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 19, 1946. The Double Cola Bottling Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed under the supervision of the Food and Drug Administration, so that it could be brought into compliance with the law.

11173. Adulteration of sugar. U. S. v. 187 Bags * * *. (F. D. C. No. 19822. Sample No. 24938–H.)

LIBEL FILED: May 8, 1946, Southern District of Texas.

ALLEGED SHIPMENT: On or about June 23, 1945, from Wichita, Kans.

PRODUCT: 187 100-pound bags of sugar at San Carlos, Tex., in possession of the Miller Brothers Food Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the product contained rodent hair fragments and rodent excreta.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3) and (4).

DISPOSITION: June 24, 1947. Zella E. Miller, claimant, trading as Miller Brothers Foods, having admitted that the product was adulterated, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration and disposed of as food for bees.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, **Nos. 11174 to 11176**; that was below the standard for milk fat content, **Nos. 11177 and 11178**; and that was short of the declared weight, **Nos. 11179 and 11180.**

11174. Adulteration of butter. U. S. v. Mutual Creamery Co. Plea of nolo contendere. Fine, $750. (F. D. C. No. 20175. Sample No. 25465–H.)

INFORMATION FILED: August 30, 1946, District of Colorado, against the Mutual Creamery Co., a corporation, Grand Junction, Colo.

ALLEGED SHIPMENT: On or about August 17, 1945, from the State of Colorado into the State of Utah.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, an insect egg, metal turnings, fibers, and plant tissue.

DISPOSITION: October 9, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $750.

11175. Adulteration of butter. U. S. v. 29 Boxes (2,030 pounds) * * *. (F. D. C. No. 20282. Sample Nos. 63715–H, 63717–H.)

LIBEL FILED: May 22, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about May 9, 1946, by the Shattuck Community Creamery Co., from Shattuck, Okla.

PRODUCT: 29 70-pound boxes of butter at New York, N. Y. The product contained excessive mold mycelia, indicating the use of decomposed cream.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance.

DISPOSITION: July 29, 1946. Harry G. Clark, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use in the manufacture of soap, under the supervision of the Food and Drug Administration.

11176. Adulteration of butter. U. S. v. 7 Boxes (490 pounds) * * *. (F. D. C. No. 20289. Sample No. 54521–H.)

LIBEL FILED: On or about June 5, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about May 3 and 13, 1946, by the Carthage Creamery Co., from Carthage, Mo.

PRODUCT: 7 70-pound boxes of butter at Atlanta, Ga. Analysis showed that the product contained mold.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy or decomposed substance.

DISPOSITION: September 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11177. Adulteration of butter. U. S. v. 33 Boxes and 28 Boxes (3,904 pounds) * * *. (F. D. C. Nos. 20292, 20498. Sample Nos. 51625–H, 63724–H.)

LIBELS FILED: June 10 and 11, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about May 22 and 28, 1946, by City Creamery, from Cannon Falls, Minn.

PRODUCT: 61 boxes, each containing 64 pounds, of butter at New York, N. Y.

LABEL, IN PART: "G. L. Sexton Inc. * * * New York."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 24, 1946. G. L. Sexton, Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be reworked so that it would comply with the law, under the supervision of the Food and Drug Administration.

11178. Adulteration of butter. U. S. v. 22 Cartons and 7 Cartons (1,856 pounds) * * * (F. D. C. Nos. 20283, 20286. Sample Nos. 63718–H, 63719–H.)

LIBELS FILED: May 28 and 29, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about May 17, 1946, by the Hartley Creamery, from Hartley, Iowa.

PRODUCT: 22 cartons and 7 cartons, each containing 64 pounds, of butter at New York, N. Y.

LABEL, IN PART: "Creamery Butter Distributed by Bender Goodman Co. Inc., New York."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 13, 1946. The Bender Goodman Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

11179. Misbranding of butter. U. S. v. 10 Cases, 3 Cases, and 320 Pounds * * *. (F. D. C. Nos. 20280, 20284, 20487. Sample Nos. 52865–H, 52869–H, 52950–H.)

LIBELS FILED: May 1 and June 14, 1946, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about April 23 and 24 and June 3, 1946, by the Merchants Creamery Co., from Cincinnati, Ohio.

PRODUCT: Butter. 10 30-pound cases at Newport, 3 cases, containing approximately 70 pounds, at Fort Thomas, and 320 pounds at Covington, Ky. All three lots were short weight.

LABEL, IN PART: (Retail carton or wrapper) "1 Lb. Net Latonia Springs Dairy Butter, Distributed by Summe & Ratermann Co., Covington, Kentucky," "Jersey Farm Dairy Creamery Butter 1 Lb. Net Wt. Distributed by Jersey Farm Dairy, Ft. Thomas, Ky.," or "Half Pound Net Wt. Clover Leaf Dairy Creamery Butter, Newport, Ky. Distributors."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Half Pound Net Wt.," "1 Lb.," or "1 Lb. Net Wt." were false and misleading since the articles were short weight; and, Section 403 (e), the label of the article failed to bear a correct statement of the quantity of the contents.

DISPOSITION: May 28 and July 10, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to public welfare institutions.

11180. Misbranding of butter. U. S. v. 4 Cartons (approximately 200 pounds) * * *. (F. D. C. No. 20288. Sample No. 51164–H.)

LIBEL FILED: June 1, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about May 15, 1946, by Leonard Svihel, from Lake Preston, S. Dak.

PRODUCT: 4 cartons, each containing about 50 pounds, of butter at Minneapolis, Minn. Examination showed that the product was short weight.

LABEL, IN PART: "One Pound De Smet De Luxe Brand Butter * * * Farmers Creamery Ass'n. De Smet, So. Dakota."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the label of the article did not bear an accurate statement of the quantity of the contents.

DISPOSITION: September 20, 1946. The Farmers Creamery Association, De Smet, S. Dak., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.

CHEESE*

11181. Adulteration of cheese. U. S. v. Hygrade Food Products Corp. Plea of nolo contendere. Fine, $1,000. (F. D. C. No. 20136. Sample No. 14852–H.)

INFORMATION FILED: July 17, 1946, Western District of Wisconsin, against the Hygrade Food Products Corp., Belmont, Wis.; charging the defendant with the giving of a false guaranty. The guaranty was given by the defendant to Schmitt Brothers & Walther, Platteville, Wis., on or about January 4, 1945, and provided that all cheese shipped or delivered by the defendant pursuant to the guaranty would comply with the Federal Food, Drug, and Cosmetic Act.

On or about September 10, 1945, the defendant sold and delivered a quantity of cheese under the guaranty, a portion of which was shipped by the purchaser, on or about October 3, 1945, from the State of Wisconsin into the State of Michigan.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 9, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $1,000.

11182. Adulteration of cottage cheese. U. S. v. Mutual Creamery Co. Plea of guilty. Fine, $25. (F. D. C. No. 20174. Sample No. 25460–H.)

INFORMATION FILED: August 30, 1946, District of Utah, against the Mutual Creamery Co., a corporation, Ogden, Utah.

ALLEGED SHIPMENT: On or about August 11, 1945, from the State of Utah into the State of Colorado.

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*See also Nos. 11152–11154.

LABEL, IN PART: "Cottage Cheese From Mutual Creamery Co. Maid o'Clover Products, Ogden, Utah."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of threads, carbon, rust, and vegetable fiber; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 9, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $25.

11183. Adulteration and misbranding of creamed cottage cheese. U. S. v. Green Mountain Dairy Products, Inc. Plea of nolo contendere. Fine, $200. (F. D. C. No. 20172. Sample Nos. 11561–H, 11962–H, 11967–H.)

INFORMATION FILED: September 16, 1946, District of Vermont, against Green Mountain Dairy Products, Inc., Burlington, Vt.

ALLEGED SHIPMENT: July 12, 19, and 24, 1945, from the State of Vermont into the State of Massachusetts.

LABEL, IN PART: "Cottage Cheese With Cream Added."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article purported to be creamed cottage cheese and failed to conform to the definition and standard of identity prescribed by the regulations. The definition and standard provides that creamed cottage cheese be prepared by mixing cottage cheese with pasteurized cream, or a pasteurized mixture of cream with milk or skim milk or both, the mixture being used in such quantity that the milk fat added be not less than 4 percent by weight of the finished creamed cottage cheese; and it is further provided that cottage cheese is the soft uncured cheese prepared from pasteurized sweet skim milk. The article contained less than 4 percent by weight of milk fat in the finished product, and the cottage cheese used in the manufacture of the article had not been made from pasteurized sweet skim milk, but had been made from unpasteurized skim milk; and a portion of the article contained artificial color, a substance not provided for by the regulations.

Further misbranding, Section 403 (g) (2), the label of the article failed to bear the name of the food specified in the definition and standard of identity, i. e., creamed cottage cheese.

DISPOSITION: November 20, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $200.

11184. Adulteration and misbranding of grated cheese. U. S. v. 24 Cases, etc. (and 3 other seizure actions). (F. D. C. Nos. 19894, 20221, 20226, 20227. Sample Nos. 8486–H, 56796–H, 56873–H to 56875–H, incl.)

LIBELS FILED: Between the dates of May 7 and June 17, 1946, Districts of Connecticut, Massachusetts, and Rhode Island.

ALLEGED SHIPMENT: Between the approximate dates of March 14 and 19, 1946, by the Carmela Food Packing Co., from Philadelphia, Pa.

PRODUCT: Grated cheese. 24 cases each containing 24 5-ounce jars at New Haven, Conn.; 80 dozen 1½-ounce cans, 5 cases each containing 42 1½-ounce cans, and 17 cases each containing 24 5-ounce jars, at Providence. R. I.; and 42 cases each containing 25 5-ounce jars at Boston, Mass. Samples of the product were found to contain from 23 to 27 percent lactose, indicating the presence of a milk product other than cheese. All lots, with the exception of the 5-case lot of 1½-ounce cans, were short of the declared weight.

LABEL, IN PART: (Jars) "Carmen Brand Grated Cheese Contents 5 Oz. or Over"; (cans) "Superfine Brand Grated Cheese Imported & Domestic Net Weight 1½ Oz. When Packed This is a 100% Pure Cheese Product."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance high in lactose had been substituted in whole or in part for grated cheese.

Misbranding, Section 402 (a), the statement "Grated Cheese" on the labels of the cans and jars and the statement "This is a 100% Pure Cheese Product" on the labels of the cans were false and misleading as applied to an article containing a milk product other than cheese; Section 403 (e) (2), the labels of portions of the article failed to bear an accurate statement of the quantity of

the contents; and (80 dozen 1½-ounce cans), Section 403 (d), the container of the article was so filled as to be misleading since the contents occupied only approximately 50 percent of the volume of the can.

DISPOSITION: June 6, August 6, and September 6, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions.

11185. Adulteration and misbranding of grated cheese. U. S. v. 70 Cases, etc. (and 3 other seizure actions). (F. D. C. Nos. 19966, 20038, 20245, 20521. Sample Nos. 1737–H, 1761–H, 53015–H, 65216–H.)

LIBELS FILED: Between the dates of May 28 and July 15, 1946, Northern District of Georgia, Northern District of Ohio, and District of New Jersey.

ALLEGED SHIPMENT: Between the approximate dates of February 8 and June 12, 1946, by Louis Travaglini, from Philadelphia, Pa.

PRODUCT: Grated cheese. 70 cases each containing 24 5-ounce, or 2-ounce jars, and 40 cases each containing 24 5-ounce jars at Atlanta, Ga.; 30 cases each containing 24 5-ounce jars at Cleveland, Ohio; and 32 cases each containing 24 2-ounce bottles at Camden, N. J. Examination showed that 3 lots of the article contained approximately 18 or 19 percent lactose, indicating the presence of a milk product other than cheese. In all 4 lots the article was found to be short weight.

LABEL, IN PART: "Rossi's Brand Grated Cheese Contents 5 [or "2"] Ozs. or Over Packed by Rossi Packing Co. Philadelphia, Pa.," or "Maria Brand Grated Grated from Aged Cheddar and Italian Type Cheese with Salt, Skim Milk Solids, Spices and Flavoring Added Net Wt. When Packed 5 Ozs. Packed by Mrs. Casa Foods Phila. Pa."

NATURE OF CHARGE: Adulteration (3 lots), Section 402 (b) (2), a substance high in lactose had been substituted in whole or in part for grated cheese, which the article was represented to be.

Misbranding (3 lots), Section 403 (a), the designation "Grated Cheese" was false and misleading; (all lots) Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents; and (1 lot), Section 403 (f), the common or usual names of the ingredients of the article were not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, and devices on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use since the information was printed in very small type.

DISPOSITION: On July 8 and September 3 and 25, 1946, no claimant having appeared for the 70-case lot at Atlanta and the lots at Cleveland and Camden, judgments of condemnation were entered. The Cleveland and Atlanta lots were ordered destroyed and the Camden lot was ordered delivered to a charitable organization.

On October 3, 1946, Louis Travaglini, claimant for the 40-case lot at Atlanta, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

11186. Adulteration and misbranding of grated cheese. U. S. v. 160 Cards * * *. (F. D. C. No. 20253. Sample No. 8489–H.)

LIBEL FILED: June 12, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 7, 1946, by Universal Wholesale Grocery, Inc., from New Britain, Conn. This was a return shipment to the original shipper, the Rialto Food Products Co., Philadelphia, Pa.

PRODUCT: 160 cards, each containing 12 ¾-ounce envelopes, of grated cheese at Philadelphia, Pa. Examination showed that the product contained approximately 19 percent lactose, indicating the presence of a milk product other than cheese.

LABEL, IN PART: (Cards) "Cheese"; (envelopes) "Italian Style Grated Cheese Made from Imported and Domestic Cheese with partially skimmed cheese added."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance high in lactose had been substituted in whole or in part for Italian Style Grated Cheese.

Misbranding, Section 403 (a), the label designations "Cheese" and "Italian Style Grated Cheese" were false and misleading as applied to an article containing a milk product other than cheese; and, Section 403 (i) (2), the label of the article failed to bear the common or usual name of each of the ingredients.

DISPOSITION: September 26, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS DAIRY PRODUCTS

11187. Adulteration of ice cream. U. S. v. Creameries of America, Inc. (Arden-Sunfreze Creameries). Plea of nolo contendere. Fine, $100. (F. D. C. No. 20166. Sample Nos. 25457–H, 25458–H.)

INFORMATION FILED: August 30, 1946, District of Utah, against Creameries of America, Inc., trading as Arden-Sunfreze Creameries, Ogden, Utah.

ALLEGED SHIPMENT: On or about August 11, 1945, from the State of Utah into the State of Wyoming.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect parts, threads, carbon, a feather barbule, a fly, and plant fiber; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 9, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $100.

11188. Adulteration of condensed milk. U. S. v. 2 Barrels * * *. (F. D. C. No. 19819. Sample No. 51070–H.)

LIBEL FILED: May 3, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about February 11, 1946, by the Momence Milk Co-operative Assoc., from Momence, Ill.

PRODUCT: 2 640-pound barrels of condensed milk at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: July 3, 1946. No claimant having appeared, judgment was entered ordering the product denatured for use as animal feed, under the supervision of the Food and Drug Administration; otherwise, the product was to be destroyed.

11189. Adulteration and misbranding of evaporated milk. U. S. v. Fort Dodge Creamery Co. Plea of guilty. Fine, $100 and costs. (F. D. C. No. 20938. Sample Nos. 19437–H, 50905–H.)

INFORMATION FILED: October 24, 1946, Northern District of Iowa, against the Fort Dodge Creamery Co., Fort Dodge, Iowa.

ALLEGED SHIPMENT: On or about August 4 and December 15, 1945, from the State of Iowa into the State of Minnesota.

LABEL, IN PART: "Jack Sprat Brand Evaporated Milk * * * Distributed By Jack Sprat Foods, Inc. Marshalltown, Iowa."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted from the article. The article was represented to contain in each can not less than 325 U. S. P. units of vitamin D and in each fluid ounce not less than 25 U. S. P. units of vitamin D, whereas the article contained smaller amounts of vitamin D than represented.

Misbranding, Section 403 (a), the label statements "Contains not less than 325 U. S. P. Vitamin D Units" and "(25 Units per fld. oz.)" were false and misleading.

DISPOSITION: November 12, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $100, plus costs.

11190. Misbranding of condensed buttermilk. U. S. v. 19 Barrels, etc. (F. D. C. No. 19816. Sample Nos. 34931–H, 34932–H.)

LIBEL FILED: May 2, 1946, Southern District of Illinois.

ALLEGED SHIPMENT: On or about August 11 and October 26, 1945, and February 22, 1946, by the Merchants Creamery Co., from Cincinnati, Ohio, and Springfield, Mo.

PRODUCT: 19 400-pound barrels, 11 half barrels, and 19 100-pound drums of condensed buttermilk at Clinton, Ill.

LABEL, IN PART: "Blue Ribbon Special * * * Crude Protein Not Less Than 7.5 Percent," or "Blue Ribbon Special Condensed Buttermilk * * * Protein 10%."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Crude Protein not Less Than 7.5 Percent" and "Protein 10 Percent" borne on various portions of the article were false and misleading as applied to the article, which contained less than the stated amounts of protein.

DISPOSITION: June 3, 1946. The DeWitt County Cooperative Grain Co., DeWitt, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

11191. Adulteration of rennet paste. U. S. v. 8 Drums * * *. (F. D. C. No. 19778. Sample No. 15335–H.)

LIBEL FILED: May 2, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 12, 1946, by International Expediters, Inc., from New York, N. Y.

PRODUCT: 8 100-kilogram drums of rennet paste at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, goat hair fragments, and insect fragments.

DISPOSITION: May 23, 1947. J. Spohr, as Industria Chimica Lugano, Lugano, Switzerland, and the Western Food Corp., Chicago, Ill., having appeared as claimants and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law by exportation to Switzerland, under the supervision of the Food and Drug Administration.

11192. Adulteration of rennet paste. U. S. v. 3 Drums * * *. (F. D. C. No. 19857. Sample No. 53121–H.)

LIBEL FILED: May 10, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about February 28, 1946, by the Cudahy Packing Co., New York, N. Y.

PRODUCT: 3 300-pound drums of rennet paste at Washington Court House, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect parts and rodent hair fragments.

DISPOSITION: June 19, 1946. No claimant having appeared, judgment was entered ordering the product destroyed.

EGGS

11193. Adulteration of shell eggs. U. S. v. Goodrich & Shackelford, Inc. Plea of nolo contendere. Fine, $75. (F. D. C. No. 20123. Sample Nos. 7302–H, 9378–H, 23322–H.)

INFORMATION FILED: July 24, 1946, District of Minnesota, against Goodrich & Shackelford, Inc., a corporation, Le Roy, Minn.

ALLEGED SHIPMENT: On or about July 5, 10, and 16, 1945, from the State of Minnesota into the States of New Jersey, New York, and Missouri.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a putrid and decomposed substance by reason of the presence of putrid and moldy eggs.

DISPOSITION: November 4, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $25 on each count, a total fine of $75.

11194. Adulteration of frozen whole eggs. U. S. v. Tyson Produce and Eugene S. Tyson, Jr. Pleas of nolo contendere. Fines, $30 against each defendant. (F. D. C. No. 20188. Sample Nos. 7865–H, 7866–H.)

INFORMATION FILED: October 7, 1946, Northern District of Iowa, against Tyson Produce, a partnership, Sioux City, Iowa, and Eugene S. Tyson, Jr., a partner.

ALLEGED SHIPMENT: On or about August 8 and 22, 1945, from the State of Iowa into the States of New York and New Jersey.

LABEL, IN PART: "Whole Frozen Eggs Packed by Tyson Produce Co., Sioux City, Iowa."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: On November 1, 1946, a plea of nolo contendere was entered on behalf of the partnership, and on March 11, 1947, a plea of nolo contendere was entered by the individual defendant. Each defendant was fined $30.

11195. Adulteration of frozen whole eggs. U. S. v. Wilson Poultry & Egg Co. and Samuel J. Wilson. Pleas of guilty. Fines, $375 against each defendant. (F. D. C. No. 20154. Sample No. 7090–H.)

INFORMATION FILED: August 9, 1946, Southern District of Ohio, against the Wilson Poultry & Egg Co., a partnership, Cincinnati, Ohio, and Samuel J. Wilson, a partner.

ALLEGED SHIPMENT: On or about June 5, 1945, from the State of Ohio into the State of New York.

LABEL, IN PART: "Frozen Whole Eggs Mitchell Produce Co. Mitchell, S. D."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of putrid and decomposed eggs.

DISPOSITION: October 1, 1946. Pleas of guilty having been entered on behalf of both defendants, the court imposed a fine of $375 against each, a total fine of $750.

11196. Adulteration of whole eggs. U. S. v. Selby Poultry & Egg Co. and Hu A. Selby. Pleas of guilty. Fines, $50 and costs against each defendant. (F. D. C. No. 20152. Sample No. 7782–H.)

INFORMATION FILED: September 9, 1946, Southern District of Iowa, against the Selby Poultry & Egg Co., a partnership, Burlington, Iowa, and Hu A. Selby, a partner.

ALLEGED SHIPMENT: On or about June 16, 1945, from the State of Iowa into the State New York.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: October 29, 1946. Pleas of guilty having been entered on behalf of both defendants, the court imposed a fine of $50 and costs against each defendant.

FEEDS AND GRAINS

11197. Adulteration and misbranding of feed. U. S. v. Giessing Flour Mills, Melvin P. Giessing, and Vernon K. Giessing. Pleas of nolo contendere. Each defendant fined $900. (F. D. C. No. 20165. Sample Nos. 21883–H, 24003–H.)

INFORMATION FILED: September 3, 1946, Eastern District of Missouri, against Giessing Flour Mills, a partnership, Farmington, Mo., and Melvin P. Giessing and Vernon K. Giessing, partners.

ALLEGED SHIPMENT: On or about April 13 and June 24, 1945, from the State of Missouri into the States of Tennessee and Alabama.

LABEL, IN PART: "Soft Wheat Grey Shorts And Screenings," or "1st Prize Shorts (Mixed)."

NATURE OF CHARGE: Portion of product. Adulteration, Section 402 (b) (4), rice hulls had been mixed with the product so as to reduce its quality and strength. Misbranding, Section 403 (a), the label statement "Crude Protein, not less than 15.11%" was false and misleading since the product contained less than 15.11 percent of crude protein; and, Section 403 (i) (2), the label failed to bear the common or usual name of each ingredient since the label failed to declare the presence of rice hulls.

Remainder of product. Misbranding, Section 403 (a), the label statement "Crude Protein, not less than 16%" was false and misleading since the product contained less than 16 percent of crude protein.

DISPOSITION: October 22, 1946. Pleas of nolo contendere having been entered, each defendant was fined $900, a total fine of $2,700.

11198. Adulteration of dog food. U. S. v. 946 Cases * * *. (F. D. C. No. 20262. Sample No. 1000–H.)

LIBEL FILED: June 19, 1946, Southern District of Florida.

ALLEGED SHIPMENT: On or about March 7, 1946, by the Packer Products Co., from Philadelphia, Pa.

PRODUCT: 946 cases, each containing 12 35-ounce jars, of dog food at Miami, Fla.

LABEL, IN PART: "Tuffy Dog Food."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: August 7, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

11199. Adulteration of canned dog food. U. S. v. 30 Cases * * *. (F. D. C. No. 19853. Sample No. 35720–H.)

LIBEL FILED: May 8, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 1, 1946, by the Ready Foods Co., Inc., from Chicago, Ill.

PRODUCT: 30 cases, each containing 48 1-pound cans, of dog food at St. Louis, Mo. Examination showed that the product was undergoing bacterial decomposition.

LABEL, IN PART: "Hi-Life Dog Food."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: July 22, 1946. The Ready Foods Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

11200. Adulteration of meat scraps. U. S. v. 52 Bags * * *. (F. D. C. No. 20353. Sample No. 19571–H.)

LIBEL FILED: June 20, 1946, Northern District of Iowa.

ALLEGED SHIPMENT: On or about May 7, 1946, by the Triangle Feed Co., from Lynn Center, Ill.

PRODUCT: 52 100-pound bags of meat scraps at Onslow, Iowa.

LABEL, IN PART: "Meat Scraps * * * Ingredients Packing House Meat and Bone Residue."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Guaranteed Analysis Protein, not less than 55% * * * Fibre, not more than 3%" were false and misleading since the product contained less protein and more fiber than declared on the label.

DISPOSITION: July 16, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold for use as animal feed. The product was correctly labeled by the United States marshal prior to its sale.

FISH AND SHELLFISH

11201. Adulteration of Bismarck Herring and flavored sirups. U. S. v. Sol Lenzner Corp. Plea of guilty. Fine, $1,000. (F. D. C. No. 20121. Sample Nos. 4244–H, 10085–H to 10087–H, incl.)

INFORMATION FILED: July 15, 1946, Western District of New York, against the Sol Lenzner Corp., Buffalo, N. Y.

ALLEGED SHIPMENT: On or about February 21 and April 24, 1945, from the State of New York into the State of Pennsylvania.

LABEL, IN PART: "Bismarck Herring with distilled vinegar, sugar, onions, and spices," or "Queen-O A Fine Flavored Syrup Ingredients: 32° Baúme Cane and Dextrose Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, sugar, had been in part omitted from both articles. Section 402 (b) (2), Bismarck Herring containing saccharin, a nonnutritive substance, as a sweetening ingredient had been substituted in whole or in part for Bismarck Herring containing sugar; and flavoring sirups containing saccharin, a nonnutritive substance, as a sweetening ingredient had been substituted in whole or in part for flavoring sirups containing cane and dextrose sirup. Further adulteration,

Section 402 (b) (4), saccharin, a nonnutritive substance, had been added to the articles and mixed and packed with them so as to reduce their quality.

DISPOSITION: November 18, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $500 on each count, a total fine of $1,000.

11202. Adulteration of frozen whiting fillets. U. S. v. New England Fillet Co., Inc., and William J. Brady. Plea of guilty on behalf of the corporation; fine, $100. Plea of nolo contendere by the individual; fine, $50. (F. D. C. No. 20129. Sample No. 9641–H.)

INFORMATION FILED: July 18, 1946, District of Massachusetts, against the New England Fillet Co., Inc., Boston, Mass., and William J. Brady, treasurer.

ALLEGED SHIPMENT: On or about July 21, 1945, from the State of Massachusetts into the State of New York.

LABEL, IN PART: "B Fly Whiting Seacrest Brand Frozen Fillets."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed fish fillets.

DISPOSITION: August 6, 1946. A plea of guilty having been entered on behalf of the corporation, and a plea of nolo contendere having been entered by the individual, the court imposed fines of $100 and $50 against the corporation and the individual, respectively.

11203. Adulteration of frozen whiting fillets. U. S. v. C. Louis Isenberg (Standard Fish Co.). Plea of nolo contendere. Fine, $100. (F. D. C. No. 20128. Sample Nos. 17977–H, 17978–H.)

INFORMATION FILED: July 18, 1946, District of Massachusetts, against C. Louis Isenberg, trading as the Standard Fish Co., Boston, Mass.

ALLEGED SHIPMENT: On or about July 12, 1945, from the State of Massachusetts into the State of Illinois.

LABEL, IN PART: (Portion) "Butterfly Whiting Packed By Standard Fish Co. Boston."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed fish fillets.

DISPOSITION: May 6, 1947. The defendant having entered a plea of nolo contendere, the court imposed a fine of $100.

11204. Adulteration of whiting fillets and lobster tails. U. S. v. 558 Boxes of Whiting Fillets, etc. (and 3 other seizure actions against whiting fillets and lobster tails). (F. D. C. Nos. 20341, 20732, 20733, 22423. Sample Nos. 40063–H, 52888–H, 63933–H to 63936–H, incl.)

LIBELS FILED: June 18 and August 19 and 20, 1946, and January 21, 1947, Eastern District of Tennessee, District of New Jersey, and Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 1 and 27, 1945, and July 11, 17, 19, and 26, 1946, by the Standard Fish Co., from Boston, Mass., and Montreal, Canada.

PRODUCT: 558 20-pound boxes of whiting fillets at Chattanooga, Tenn., 464 30-pound boxes of lobster tails at Newark, N. J., and 900 20-pound cases of whiting fillets at St. Louis, Mo.

LABEL, IN PART: "Standard Brand Fillets," "Specially Selected Cape Rock Lobster Tails * * * B. Gelcer & Co. New Wholesale Fishmarket Cape Town," or "H & G Whiting."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed or putrid substances.

DISPOSITION: Whiting at Chattanooga. July 24, 1946. Default decree of condemnation. Product ordered sold for fertilizer.

Lobster tails. October 21, 1946. Default decrees of condemnation and destruction.

Whiting at St. Louis. February 7, 1947. Consent decree of condemnation. Product ordered released under bond to claimant, Gelb Fish Co., St. Louis, Mo., conditioned that it be denatured so that it could not be used for human consumption.

11205. Adulteration of frozen whiting. U. S. v. 135 Boxes * * *. (F. D. C. No. 20043. Sample No. 53238–H.)

LIBEL FILED: On or about June 3, 1946, Eastern District of Tennessee.

ALLEGED SHIPMENT: On or about April 11, 1946, by the General Ice & Cold Storage Co., from New Bedford, Mass.

PRODUCT: 135 unlabeled 20-pound boxes of frozen whiting at Chattanooga, Tenn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance, putrid fish.

DISPOSITION: July 1, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to be manufactured into fertilizer.

11206. Adulteration of frozen hake fillets. U. S. v. 394 Boxes * * *. (F. D. C. No. 20321. Sample No. 1648–H.)

LIBEL FILED: July 3, 1946, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about June 7, 1946, by the Frozen Fillet Co., from Gloucester, Mass.

PRODUCT: 394 10-pound boxes of frozen hake fillets at Greensboro, N. C.

LABEL, IN PART: "Frozen Hake Fillets Packed by Seaview Fish Co., Inc., New Bedford, Massachusetts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: July 29, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11207. Adulteration of frozen fish. U. S. v. 2,227 Boxes * * *. (F. D. C. Nos. 20366, 20367. Sample Nos. 44468–H, 44469–H.)

LIBEL FILED: June 27, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about August 3, 1945, by the Los Angeles Cold Storage Co., from New Bedford, Mass.

PRODUCT: 2,227 15-pound boxes of frozen fish at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: August 2, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a State institution, for use as fish food.

11208. Adulteration of canned kippered salmon. U. S. v. 99 Cases, 98 Cases, and 50 Cases * * *. (F. D. C. Nos. 17748, 18001, 18002. Sample Nos. 29920–H, 30013–H, 30017–H.)

LIBELS FILED: October 24, 1945, District of Hawaii.

ALLEGED SHIPMENT: On or about September 6, 14, and 22, 1945, by Theo. H. Davies & Co., Ltd., from San Francisco, Calif.

PRODUCT: Canned kippered salmon. 197 cases at Hilo and 50 cases at Honolulu, T. H. Each case contained 48 7-ounce cans.

LABEL, IN PART: "Fancy Kippered Crescent Bay Salmon Packed by Paul's Cannery Crescent City, California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a putrid and decomposed substance.

DISPOSITION: October 24 and November 16, 1945. Theo. H. Davies & Co., Ltd., claimant, having admitted the allegations of the libel, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be reshipped to the point of origin to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration.

11209. Adulteration of canned sardines. U. S. v. 15 Cases * * *. (F. D. C. No. 20348. Sample No. 51620–H.)

LIBEL FILED: June 21, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about April 16, 1946, by the Machiasport Canning Co., from Eastport, Maine.

PRODUCT: 15 cases, each containing 100 3¼-ounce cans, of sardines at St. Paul, Minn. Examination of the product showed the presence of diseased fish.

LABEL, IN PART: "Palm Brand Maine Sardines."

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was, in whole or in part, the product of a diseased animal.

DISPOSITION: October 29, 1946. No claimant having appeared, judgment was entered ordering the product denatured for use as animal food or destroyed.

11210. Adulteration of canned sardines. U. S. v. 4 Cases * * *. (F. D. C. No. 20249. Sample No. 57182–H.)

LIBEL FILED: June 12, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about March 21, 1946, by the W. J. Byrnes Co. of New York, from Hoboken, N. J.

PRODUCT: 4 cases, each containing 100 3¾-ounce cans, of sardines at Boston, Mass.

LABEL, IN PART: "Peggy Brand Norwegian Brisling Sardines * * * Packed by Norwegian Preserving Co. A/S Bergen-Norway."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance since it was undergoing bacterial decomposition.

DISPOSITION: February 27, 1947. Downer, Hunnewell & Co., Boston, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Federal Security Agency.

11211. Adulteration of pickled sprats. U. S. v. 45 Cases * * *. (F. D. C. No. 16203. Sample No. 27255–H.)

LIBEL FILED: May 19, 1945, District of Idaho.

ALLEGED SHIPMENT: On or about February 9, 1945, by the Oxenberg Fish Co., from Seattle, Wash.

PRODUCT: 45 cases, each containing 24 5-ounce jars, of pickled sprats at Lewiston, Idaho. Examination showed that the product was undergoing active fermentation.

LABEL, IN PART: "Delca Finest Imported Pickled Sprats * * * Delca Fish Preservators, Inc., Brooklyn, New York."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 16, 1945. Default decree of forfeiture. Product ordered destroyed or delivered to a charitable institution, for use as animal feed. The product was destroyed.

11212. Adulteration of frozen clams. U. S. v. 212 Cases * * * (and 2 other seizure actions against frozen clams). (F. D. C. Nos. 20016 to 20019, incl., 20089 to 20096, incl. Sample Nos. 44590–H, 46142–H, 46143–H, 46147–H to 46150–H, incl., 46154–H to 46156–H, incl., 46158–H.)

LIBELS FILED: May 22 and June 11 and 14, 1946, Northern and Southern Districts of California. The libel of June 14, 1946, was amended on June 21, 1946.

ALLEGED SHIPMENT: On or about October 31, 1945, and January 8 and March 1, 1946, by the Icelandic Freezing Plants Corp., from New York, N. Y.

PRODUCT: 263 cases, each containing 8 7-pound blocks or cartons, of frozen clams at San Francisco, Calif., and 47 cases, each containing 8 7-pound cartons, of the same product at Los Angeles, San Pedro, and Pasadena, Calif.

LABEL, IN PART: "Fresh Frozen Clams [or "Clam Meat"] Icelandic Freezing Plants Corp. Reykjavik Iceland."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained a poisonous and deleterious substance, *Gonyaulax* toxin, which may have rendered it injurious to health.

DISPOSITION: On July 20, 1946, the Icelandic Freezing Plants Corp. having appeared as claimant for the San Francisco lots, judgment of condemnation

was entered and the product was ordered released to be disposed of in compliance with the law, under the supervision of the Federal Security Agency.

On October 4, 1946, Reinke & Amende, Inc., Los Angeles, Calif., claimant for the Los Angeles, San Pedro, and Pasadena lots, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be segregated and disposed of in compliance with the law, under the supervision of the Federal Security Agency. The unfit portion was disposed of as fish food or fertilizer.

11213. Adulteration and misbranding of canned minced clams. U. S. v. 177 Cases * * *. (F. D. C. No. 19928. Sample No. 56883–H.)

LIBEL FILED: June 5, 1946, District of Rhode Island.

ALLEGED SHIPMENT: On or about March 28, 1946, by the Plymouth Packing Co., from Plymouth, Mass.

PRODUCT: 177 cases, each containing 48 cans, of minced clams at Cranston, R. I. Examination showed that the drained weight of the product was less than that declared on the label.

LABEL, IN PART: "Point Judith Minced Clams * * * Drained Weight 5 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), diluted clam juice had been substituted in part for minced clams.

Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents, since the label statement "Drained Weight 5 Oz." was inaccurate.

DISPOSITION: September 25, 1946. The Plymouth Packing Co., claimant, having consented to the entry of a decree, judgment was entered ordering the product released under bond for relabeling under the supervision of the Federal Security Agency.

FRUITS AND VEGETABLES

CANNED AND DRIED FRUIT

11214. Adulteration of canned cherries. U. S. v. 46 Cases * * *. (F. D. C. No. 19385. Sample No. 58241–H.)

LIBEL FILED: On or about April 4, 1946, District of Montana.

ALLEGED SHIPMENT: On or about December 28, 1945, by the Stayton Canning Co. Cooperative, from West Stayton, Oreg.

PRODUCT: 46 cases, each containing 6 6-pound, 10-ounce cans, of cherries at Great Falls, Mont.

LABEL, IN PART: "Santiam Brand Light Sweet Royal Anne Cherries in Medium Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: September 18, 1946. Default decree of condemnation and destruction.

11215. Misbranding of canned cherries. U. S. v. 48 Cases * * *. (F. D. C. No. 20055. Sample No. 59024–H.)

LIBEL FILED: May 29, 1946, District of Montana.

ALLEGED SHIPMENT: On or about April 15, 1946, by Libby, McNeill & Libby, from Yakima, Wash.

PRODUCT: 48 cases, each containing 6 6-pound, 10-ounce cans, of cherries at Butte, Mont.

LABEL, IN PART: "Rose-Dale Light Sweet Royal Anne Cherries in Light Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the label of the article failed to bear the name of the optional packing medium present. The label bore the statement "in Light Syrup," whereas the article was packed in water.

DISPOSITION: August 19, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

11216. Adulteration of canned dried prunes. U. S. v. 650 Cases * * *. (F. D. C. No. 19911. Sample No. 58838–H.)

LIBEL FILED: May 10, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 2, 1946, by the Starr Fruit Products Co., from Portland, Oreg.

PRODUCT: 650 cases, each containing 12 1-pound, 12-ounce jars, of canned dried prunes in heavy sirup at Philadelphia, Pa.

LABEL, IN PART: "Starr Brand Prepared Dried Prunes in Heavy Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of prunes affected with brown rot.

DISPOSITION: September 26, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11217. Adulteration of canned prunes. U. S. v. 598 Cases * * *. (F. D. C. No. 19934. Sample No. 58836–H.)

LIBEL FILED: May 31, 1946, Eastern District of New York.

ALLEGED SHIPMENT: On or about March 28, 1946, by the Washington Canners Cooperative, from Vancouver, Wash.

PRODUCT: 598 cases, each containing 24 cans, of prunes at Brooklyn, N. Y.

LABEL, IN PART: "Bestwest Select Fancy Purple Prunes in Heavy Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of prunes affected with brown rot.

DISPOSITION: August 28, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11218. Adulteration of canned prunes. U. S. v. 54 Cases * * *. (F. D. C. No. 19881. Sample No. 59016–H.)

LIBEL FILED: May 21, 1946, District of Montana.

ALLEGED SHIPMENT: On or about December 18, 1945, by the Stayton Canning Co. Cooperative, from Stayton, Oreg.

PRODUCT: 54 cases, each containing 6 6-pound, 8-ounce cans, of prunes at Lewistown, Mont.

LABEL, IN PART: "Santiam Brand Prune Plums Water Pack."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten plums.

DISPOSITION: October 28, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11219. Adulteration of raisins. U. S. v. 2,333 Cartons * * * (and 2 other seizure actions). (F. D. C. Nos. 19886, 19890, 20385. Sample Nos. 8381–H, 8382–H, 8393–H, 8394–H, 59544–H.)

LIBELS FILED: May 9 and July 10, 1946, District of New Jersey and Western District of Washington.

ALLEGED SHIPMENT: On or about January 14 and 15 and April 25, 1946, by West Coast Growers & Packers, from Dinuba, Calif.

PRODUCT: 2,333 cartons and 2,230 cases, each carton and case containing 30 pounds, of seedless raisins at Jersey City, N. J., and 18 cases, each containing 6 cartons of 24 packages, of raisins at Seattle, Wash. Examination showed that the Jersey City lots contained moldy and decomposed raisins and that the Seattle lot contained insect excreta and moldy raisins.

LABEL, IN PART: "Wesco Brand California Choice Thompson Seedless Raisins," or "Cinderella Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance and, in addition, (Seattle lot) a filthy substance.

DISPOSITION: On August 7, 1946, no claimant having appeared for the Seattle lot, judgment of condemnation was entered and the product was ordered destroyed

On December 9, 1946, the actions against the Jersey City lots having been consolidated, and West Coast Growers and Packers, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for use in the manufacture of distilled spirits, under the supervision of the Food and Drug Administration.

11220. Adulteration of raisins. U. S. v. 2,200 Boxes * * *. (F. D. C. No. 20085. Sample No. 5261–H.)

LIBEL FILED: June 13, 1946, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 12, 1946, by Stanislaus Fruit Growers, from Modesto, Calif.

PRODUCT: 2,200 30-pound boxes of raisins at Scranton, Pa.

LABEL, IN PART: "Cal's Best Extra Fancy Golden Bleached Thompson Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and decomposed raisins.

DISPOSITION: November 12, 1946. The Great A. & P. Tea Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be used in the manufacture of alcohol, under the supervision of the Federal Security Agency.

11221. Adulteration of raisins. U. S. v. 774 Boxes * * *. (F. D. C. No. 19803. Sample No. 20966–H.)

LIBEL FILED: April 30, 1946, District of Nebraska.

ALLEGED SHIPMENT: On or about December 29, 1945, by the Central California Packing Co., from Del Rey, Calif.

PRODUCT: 774 30-pound boxes of raisins at Lincoln, Nebr.

LABEL, IN PART: "Black Bird Brand Thompson Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and decomposed raisins.

DISPOSITION: July 8, 1946. The H. P. Lau Co., Lincoln, Nebr., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be used in the distillation of commercial alcohol, under the supervision of the Federal Security Agency.

11222. Adulteration of raisins. U. S. v. 734 Cartons * * *. (F. D. C. No. 20223. Sample No. 63716–H.)

LIBEL FILED: June 7, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about November 1, 1945, by Rosenberg Brothers & Co., from Modesto, Calif.

PRODUCT: 734 30-pound cartons of raisins at Hoboken, N. J.

LABEL, IN PART: "Eureka Brand California Fancy Thompson Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and decomposed raisins.

DISPOSITION: September 18, 1946. The Continental Baking Co., Hoboken, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into distilled spirits, under the supervision of the Food and Drug Administration.

MISCELLANEOUS FRUIT AND FRUIT PRODUCTS*

11223. Adulteration of pitted cherries in brine. U. S. v. 200 Barrels * * *. (F. D. C. No. 20274. Sample No. 59293–H.)

LIBEL FILED: June 24, 1946, District of Maryland.

ALLEGED SHIPMENT: On or about May 14, 1946, by the Allen Fruit Co., from Newberg, Oreg.

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*See also Nos. 11102, 11104–11108, 11110, 11116–11132.

PRODUCT: 200 250-pound barrels of pitted cherries in brine at Baltimore, Md.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: August 13 and 21, 1946. The Allen Fruit Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be disposed of in compliance with the law, under the supervision of the Food and Drug Administration.

11224. Adulteration and misbranding of jelly. U. S. v. 161 Cases * * *. (F. D. C. No. 20238. Sample Nos. 35467–H to 35472–H, incl.)

LIBEL FILED: June 10, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about April 11, 1946, by Royal Palm Kitchens, from Chicago, Ill.

PRODUCT: 161 cases, each containing 24 12-ounce glasses, of assorted jellies at Canton, Mo. The plum, black raspberry, strawberry, and crab apple jellies contained less than 45 parts by weight to each 55 parts by weight of one of the saccharine ingredients.

The grape, black raspberry, strawberry, crab apple, and blackberry jellies had not been concentrated to the point that the soluble solids content of the finished product was not less than 65 percent; and the grape, black raspberry, and blackberry jellies contained phosphate, which is not permitted by the standard as an optional ingredient in jellies.

LABEL, IN PART: "Royal Palm Pure Concord Grape [or "Plum," "Black Raspberry," "Strawberry," "Crabapple," or "Blackberry"] Jelly."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), products of the composition set forth above had been substituted in whole or in part for grape, plum, black raspberry, strawberry, blackberry, and crab apple jellies.

Misbranding (all flavors), Section 403 (a), the names of the articles "Pure Concord Grape Jelly," "Pure Plum Jelly," "Pure Black Raspberry Jelly," "Pure Strawberry Jelly," "Pure Crabapple Jelly," and "Pure Blackberry Jelly" were false and misleading; and, Section 403 (g) (1), the articles failed to conform to the definitions and standards for fruit jellies.

DISPOSITION: December 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

11225. Adulteration and misbranding of frozen peach pulp. U. S. v. 81, 80, and 76 Barrels * * *. (F. D. C. Nos. 20247, 20279. Sample Nos. 65221–H, 65222–H, 65507–H.)

LIBELS FILED: On or about June 13 and 24, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about June 12, 14, and 15, 1945, by Bateman & Co., Inc., from Macon, Ga.

PRODUCT: 237 barrels, each containing approximately 450 pounds, of frozen peach pulp at Camden, N. J.

LABEL, IN PART: The gross and tare weights were written in pencil on 161 barrels of the product.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insects and insect parts and by reason of its being fermented.

Misbranding, Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (i) (1), the label failed to bear the common or usual name of the food; Section 403 (k), the product contained a chemical preservative, sulfur dioxide, and failed to bear labeling stating that fact; and, Section 403 (e) (2), 76 barrels failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: August 9, 1946. Bateman & Co., Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be used for distillation purposes, under the supervision of the Food and Drug Administration.

11226. Adulteration and misbranding of raspberry jam. U. S. v. 27 Cases * * *. (F. D. C. No. 20323. Sample No. 42912–H.)

LIBEL FILED: July 3, 1946, District of Maryland.

ALLEGED SHIPMENT: On or about November 6, 1945, and January 2 and 11, 1946, by the Commercial Syrup Co., from New York, N. Y.

PRODUCT: 27 cases, each containing 6 9-pound jars, of raspberry jam at Baltimore, Md.

LABEL, IN PART: "Pure Seedless Raspberry Jam Contents: Pure Cane Sugar, Fruit Acid, 1/10 of 1% Benzoate of Soda."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product deficient in fruit and containing added phosphoric acid or acid phosphate had been substituted in whole or in part for raspberry jam as defined by the regulations.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. Further misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity prescribed by the regulations for raspberry jam, since it was made from a mixture composed of less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of the saccharine ingredients; and it contained added phosphoric acid or acid phosphate, which is not permitted as an optional ingredient of fruit jam in the definition and standard.

DISPOSITION: September 16, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

11227. Adulteration and misbranding of wine vinegar. U. S. v. Stephen Piacitelli (Unita Packing Co.). Plea of guilty. Fine, $450. (F. D. C. No. 20150. Sample Nos. 11752–H to 11754–H, incl., 12600–H, 52027–H, 52029–H, 57142–H, 57143–H.)

INDICTMENT RETURNED: June 24, 1946, District of Rhode Island, against Stephen Piacitelli, trading as the Unita Packing Co., Providence, R. I.

ALLEGED SHIPMENT: Between the approximate dates of February 5 and April 4, 1946, from the State of Rhode Island into the State of Massachusetts.

LABEL, IN PART: (Portion of bottles) "Capri Brand [or "Barbera Brand"] Wine Vinegar Contents One Pint 9 Fluid Oz.," "Alba Brand Claret Wine Vinegar Contents 1 Pint 9 Fl. Oz. Bottled for Alberti Importing Co., Boston, Mass," or "Pastene Pure Claret Wine Vinegar Contents 1 Pt. 9 Fl. Oz. Pastene & Co. Inc. Distributors." Some of the bottles were gallon-size, half-gallon size, and 1 pint 9 fluid-ounce size. Two of the shipments were invoiced as "Wine Vinegar." One of these shipments was labeled "4/5 Quart," and the other was in unlabeled barrels.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), artificially colored distilled vinegar had been substituted for wine vinegar, which the article was represented to be; and, Section 402 (b). (4), artificial coloring had been added to and mixed and packed with the article so as to make it appear to be wine vinegar, which is better and of greater value.

Misbranding (portion), Section 403 (a), the designation "Wine Vinegar" and the design of bunches of grapes borne on the labels of portions were false and misleading; Section 403 (e) (2), the gallon-size and half-gallon-size bottles failed to bear labels containing an accurate statement of the quantity of the contents, since the labels bore the statement "Contents 1 Pint 9 Fl. Oz." Further misbranding, Section 403 (e) (1), the 4/5-quart-size bottles failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (i) (1), they failed to bear a label containing the common or usual name of the food; and, Section 403 (k), the article contained artificial coloring and failed to bear a label stating that fact.

DISPOSITION: October 30, 1946. A plea of guilty having been entered, the court imposed a fine of $30 on each of the 15 counts, a total fine of $450.

11228. Adulteration and misbranding of wine vinegar. U. S. v. 3 Barrels * * * (and 7 other seizure actions). (F. D. C. Nos. 19899, 19900, 19905 to 19908, incl., 20260, 21237. Sample Nos. 11753–H, 11754–H, 12600–H, 56715–H, 57027–H, 57029–H, 57133–H, 57134–H, 57142–H, 57143–H.)

LIBELS FILED: May 13, June 13, and October 11, 1946, District of Massachusetts.

ALLEGED SHIPMENT: Between the approximate dates of August 23, 1945, and August 21, 1946, by the Unita Packing Co., from Providence, R. I.

PRODUCT: 3 barrels and 321 cases of wine vinegar at Boston and Worcester, Mass. Each barrel contained 50 gallons of the product. Some cases contained 6 ½-gallon bottles, and other cases contained 4 1-gallon botles, 12 ⅕-gallon bottles, or 12 1-pint 9 fluid-ounce bottles. The ½-gallon and 1-gallon bottles were labeled as containing 1 pint 9-fluid ounces.

LABEL, IN PART: (Bottles) "Barbera Brand [or "Capri Brand"] Wine Vinegar," "Testa I Fondatori di Messina Wine Vinegar Bottled For Eugenio Testa, Inc., Boston, Mass," "Reco Brand Wine Vinegar * * * Bottled For Roma Extract Co., Boston, Mass.," or "Alba Brand Claret Wine Vinegar * * * Bottled for Alberti Importing Co., Boston, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), artificially colored distilled vinegar or diluted acetic acid had been substituted in whole or in part for wine vinegar; and, Section 402 (b) (4), artificial coloring had been added to distilled vinegar or diluted acetic acid and mixed and packed with it so as to make the article appear better and of greater value than it was.

Misbranding, Section 403 (a), the designations "Blended Distilled-Wine Vinegar" and "Wine Vinegar" and the designs of a bunch of grapes borne on the labels of various portions of the article were false and misleading as applied to artificially colored distilled vinegar or diluted acetic acid; and, Section 403 (e) (2), the article in the ½-gallon bottles and in some of the 1-gallon bottles failed to bear an accurate statement of the quantity of the contents. Further misbranding (Testa Brand), Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (i) (1), its label failed to bear the common or usual name of the article; and, Section 403 (k), it contained artificial coloring and failed to bear labeling stating that fact.

DISPOSITION: August 6 and November 18, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions.

11229. Adulteration and misbranding of wine vinegar. U. S. v. 87 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 20217, 20218, 20244, 20259. Sample Nos. 5320–H, 6536–H to 6540–H, incl., 56890–H.)

LIBELS FILED: June 5 and 13, 1946, District of New Jersey, Eastern District of Pennsylvania, and District of Rhode Island.

ALLEGED SHIPMENT: Between the approximate dates of August 10, 1945, and April 23, 1946, by the Paramount Vinegar Sales Co., from New York, N. Y.

PRODUCT: Wine vinegar. 46 cases, each containing 12 1-quart bottles, 28 cases, each containing 24 1-pint bottles, and 13 cases, each containing 24 8-ounce bottles, at Jersey City, N. J.; 33 cases, each containing 12 1-quart bottles, and 13 cases, each containing 24 1-pint bottles, at Clifton, N. J.; 17 cartons, each containing 12 1-quart bottles, and 15 cartons, each containing 24 1-pint bottles, at Philadelphia, Pa.; and 19 cases, each containing 12 1-quart bottles, at Providence, R. I.

LABEL, IN PART: "Paramount Brand Pure Wine Vinegar."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of wine vinegar and distilled vinegar or acetic acid had been substituted for "Pure Wine Vinegar," which the product was represented to be; and, Section 402 (b) (4), distilled vinegar or acetic acid had been added to the article so as to reduce its quality or strength.

Misbranding, Section 403 (a), the label statement "Pure Wine Vinegar" was false and misleading; and (all lots except the Providence lot), Section 403 (k), the product contained sulfur dioxide, a chemical preservative, and failed to bear labeling stating that fact.

DISPOSITION: Between August 7 and October 28, 1946. No claimant having appeared, judgments of condemnation were entered. The Philadelphia lots were ordered destroyed, and the remaining lots were ordered delivered to charitable and public institutions.

VEGETABLES AND VEGETABLE PRODUCTS*

11230. Adulteration of canned beans and misbranding of canned peas. U. S. v. Tolerton & Warfield Co. (Norfolk Packing Co.) and Elmer H. Bernhardt. Pleas of nolo contendere. Fines, $60 against individual defendant and $210 and costs against corporation. (F. D. C. No. 20210. Sample Nos. 21193–H, 25886–H, 26794–H, 26798–H, 30432–H, 30439–H.)

INFORMATION FILED: November 12, 1946, District of Nebraska, against the Tolerton & Warfield Co., a corporation, trading as the Norfolk Packing Co., Plattsmouth, Nebr., and Elmer H. Bernhardt, plant manager.

ALLEGED SHIPMENT: Between the approximate dates of August 4 and October 23, 1945, from the State of Nebraska into the States of Oklahoma and Colorado.

PRODUCT: In addition to containing alcohol-insoluble solids in excess of the amount permitted by the standard, a portion of the canned peas was short weight. Examination of the canned beans showed the presence of small stones and, in one shipment, worms.

LABEL, IN PART: "Honesty [or "Harvest Gem"] Early June Peas Contents 1 Lb. 4 Oz.," and "Harvest Treasure * * * Beans in Tomato Sauce Vegetarian Style."

NATURE OF CHARGE: Canned beans, adulteration, Section 402 (b) (2), stones had been substituted in part for beans in tomato sauce; Section 402 (b) (4), stones had been packed with the article so as to reduce its quality; and, Section 402 (a) (3), a portion of the article consisted in part of a filthy substance by reason of the presence of worms.

Canned peas, misbranding, Section 403 (h) (1), the article was substandard; and, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents since the cans contained less than the declared weight.

DISPOSITION: December 20, 1946. Pleas of nolo contendere having been entered on behalf of both defendants, the court imposed a fine of $10 on each count against the individual, a total fine of $60, and a fine of $35 on each count against the corporation, a total fine of $210 and costs.

11231. Adulteration of canned pork and beans. U. S. v. 8 Cases, etc. (F. D. C. No. 19142. Sample Nos. 38652–H to 38654–H, incl.)

LIBEL FILED: February 14, 1946, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about December 11 and 13, 1945, by the Illinois Canning Co., from Hoopeston, Ill.

PRODUCT: 103 cases, each containing 24 1-pound, 3-ounce cans of pork and beans at Milwaukee, Wis. Examination showed that the product was sour.

LABEL, IN PART: "Roundys White Label [or "Joan of Arc"] Pork and Beans with Tomato Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: April 11, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11232. Adulteration of canned beets. U. S. v. 114 Cases * * *. (F. D. C. No. 19874. Sample Nos. 15338–H, 56342–H.)

LIBEL FILED: May 24, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 5, 1946, by Safeway Stores, Inc., from Kansas City, Mo. This was a return shipment to the original shipper.

PRODUCT: 114 cases, each containing 24 1-pound, 4-ounce cans, of beets at Blue Island, Ill., in possession of Libby, McNeill & Libby. The product was undergoing bacterial decomposition.

LABEL, IN PART: "Libby's Cut Red Beets * * * Libby, McNeill & Libby."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 6, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

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*See also Nos. 11156, 11159.

11233. Adulteration of canned mushrooms. U. S. v. 137 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 20265, 20307, 20349, 20350. Sample Nos. 8833–H, 59679–H to 59681–H, incl., 59840–H, 63544–H.)

LIBELS FILED: Between June 17 and July 2, 1946, District of New Jersey, Eastern District of New York, and Western District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of January 23 and May 15, 1946, by the Hockessin Food Products Co., Hockessin, Del.

PRODUCT: Canned mushrooms. 137 cases, each containing 48 4-ounce cans, at Jersey City, N. J.; 29 cases, each containing 48 8-ounce cans, at Brooklyn, N. Y.; and 99 cases, each containing 24 8-ounce cans, and 124 cases, each containing 48 4-ounce cans, at Pittsburgh, Pa.

LABEL, IN PART: "Southwood Farms * * * Mushrooms," "Small Buttons Mushrooms," or "Large Buttons Mushrooms."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, rodent hairs, insects, insect fragments and parts, mites, straw, and dirt.

DISPOSITION: Between September 3, 1946, and January 15, 1947. The Hockessin Food Products Co., claimant, having consented to the entry of a decree, judgments of condemnation were entered and the product was ordered released under bond to be washed and used in the manufacture of mushroom soup, under the supervision of the Food and Drug Administration.

11234. Misbranding of canned mushrooms. U. S. v. 12 Cartons * * *. (F. D. C. No. 20303. Sample No. 8916–H.)

LIBEL FILED: June 27, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about March 6, 1946, by the Delaware Mushroom Cooperative Assoc., from Hockessin, Del.

PRODUCT: 12 cartons, each containing 24 16-ounce cans, of mushrooms at New York, N. Y. Examination showed that the product was not fancy and that it was short weight.

LABEL, IN PART: "First State Fancy Buttons Mushrooms Drained Wt. 16 Oz. Net. Avoir. [Vignette of fancy button mushrooms]."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Fancy Buttons Mushrooms" and the vignette of fancy button mushrooms were false and misleading as applied to a product which was not fancy button mushrooms, by reason of open veils and broken mushrooms; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: July 31, 1946. No claimant having appeared, judgment of condemnation was entered. A portion of the product was ordered delivered to the Federal Security Agency, and the remainder was ordered delivered to charitable institutions.

11235. Adulteration of dried mushrooms. U. S. v. 2 Bags, 3 Bags, and 1 Bag * * *. (F. D. C. Nos. 14670 to 14672, incl. Sample Nos. 86570–F to 86572–F, incl.)

LIBEL FILED: December 6, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: Between the approximate dates of October 21 and November 11, 1944, by Ben H. Bomkamp, Wencle Kuchar, and Cletus F. Pink, from Muscoda, Montfort, and Highland, Wis., respectively.

PRODUCT: Dried mushrooms. 2 15-pound bags, 3 25-pound bags, and 1 16-pound bag at Berwyn, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots and insect eggs.

DISPOSITION: December 10, 1946. Default decree of condemnation and destruction.

11236. Adulteration of dried mushrooms. U. S. v. 2 Bags * * *. (F. D. C. Nos. 14558, 14559. Sample Nos. 86564–F, 86569–F.)

LIBEL FILED: December 6, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 13 and November 1, 1944, by Francis A. Mara, from Wauzeka, Wis., and Bohumil Smisek, from Lonsdale, Minn.

PRODUCT: 2 unlabeled bags containing 41 pounds of dried mushrooms.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots and larvae.

DISPOSITION: December 10, 1946. Default decree of condemnation and destruction.

11237. Adulteration of canned peas and carrots. U. S. v. 79 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 20020, 20087, 20370, 20420. Sample Nos. 58939–H, 58967–H, 58968–H, 59163–H.)

LIBELS FILED: May 24 and July 25, 1946, Eastern District of Washington.

ALLEGED SHIPMENT: March 21, 1946, by the Nelson Packing Co., San Francisco, Calif.

PRODUCT: 79 cases and 670 cases at Yakima and Spokane, Wash., respectively. Each case contained 24 cans of peas and carrots.

LABEL, IN PART: "Winners Brand Contents 1 Lb. 3 Oz. Dried Sweet Peas & Diced Carrots."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevily peas.

DISPOSITION: On August 13, 1946, the Nelson Packing Co., claimant for 143 cases of the product at Spokane, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the segregation of the good from the bad, under the supervision of the Federal Security Agency. On September 27, 1946, the claimant having been unable to segregate the product, the court ordered it destroyed. On July 22 and 30 and September 23, 1946, default decrees of condemnation and destruction were entered against the remaining lots.

11238. Adulteration of canned peas. U. S. v. 380 Cases * * *. (F. D. C. No. 20082. Sample No. 34946–H.)

LIBEL FILED: June 10, 1946, Southern District of Illinois.

ALLEGED SHIPMENT: On or about November 21, 1945, by the Antigo Canning Factory, from Antigo, Wis.

PRODUCT: 380 cases, each containing 24 No. 5 cans, of peas at Jacksonville, Ill. Examination showed that the product was undergoing bacterial decomposition.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: March 12, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 11239 to 11247 report actions involving canned peas that purported to be a food for which a standard of quality has been prescribed by law, but the quality fell below the standard because of higher alcohol-insoluble solids than the maximum permitted by the standard, and the labels failed to bear, in the manner and form that the regulations specify, a statement that the product was below the standard.

11239. Misbranding of canned peas. U. S. v. Cambria Canning Corp. Plea of guilty. Fine, $800. (F. D. C. No. 20195. Sample Nos. 18063–H, 24551–H.)

INFORMATION FILED: November 4, 1946, Western District of Wisconsin, against the Cambria Canning Corp., Cambria, Wis.

ALLEGED SHIPMENT: On or about July 26 and August 2, 1945, from the State of Wisconsin into the States of Illinois and Louisiana.

LABEL, IN PART: (Cases) "Eatmor Brand Peas," or "STD 3 ALA."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the product was below standard because of a high percentage of alcohol-insoluble solids; Section 403 (e) (1), (portion) the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), the article failed to bear a label containing an accurate statement, or any statement whatever, of the quantity of the contents; and, Section 403 (g) (2), it bore no label containing the name of the food specified in the definition and standard of identity for canned peas.

DISPOSITION: December 5, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $400 on each count, a total fine of $800.

11240. Misbranding of canned peas. U. S. v. Dorchester Canning Co. Plea of guilty. Fine, $400. (F. D. C. No. 20193. Sample No. 41701–H.)

INFORMATION FILED: November 4, 1946, Western District of Wisconsin, against the Dorchester Canning Co., a corporation, Hillsboro, Wis.

ALLEGED SHIPMENT: On or about August 23, 1945, from the State of Wisconsin into the State of West Virginia.

LABEL, IN PART: "Wiscos Brand Wisconsin Peas Early June Peas * * * Packed By Fall River Canning Co. Fall River, Wis."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard in quality because of the high percentage of alcohol-insoluble solids and the high percentage of ruptured peas.

DISPOSITION: December 3, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $400.

11241. Misbranding of canned peas. U. S. v. Fall River Canning Co. Plea of guilty. Fine, $2,800. (F. D. C. No. 20196. Sample Nos. 22381–H, 23511–H, 23899–H, 24880–H, 24901–H, 24921–H, 52583–H, 52584–H.)

INFORMATION FILED: November 4, 1946, Western District of Wisconsin, against the Fall River Canning Co., Fall River and Janesville, Wis.

ALLEGED SHIPMENT: Between the approximate dates of July 18 and August 30, 1945, from the State of Wisconsin into the States of Illinois, Missouri, Texas, and Kentucky.

LABEL, IN PART: (Cans, 3 shipments) "Eatmor Brand Wisconsin Peas," "Upper Deck June Peas," or "Wiscos Brand Wisconsin Peas Early June Peas"; (Cases, 2 shipments) "Merit Peas," or "Peas." The remainder was invoiced Std #4 Alaska," or "Std #3 Alaska."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the product as a whole was below standard because of the high percentage of alcohol-insoluble solids.

Various portions of product. Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement, or any statement whatever, of the quantity of the contents; and, Section 403 (g) (2), it failed to bear a label containing the name of the food specified in the definition and standard of identity.

DISPOSITION: December 3, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $400 on each of the 7 counts, a total fine of $2,800.

11242. Misbranding of canned peas. U. S. v. River View Canning Corp. and Wallace W. Evans. Pleas of guilty. Fines, $250 against corporation and $100 against individual. (F. D. C. No. 20194. Sample No. 16784–H.)

INFORMATION FILED: April 9, 1947, Eastern District of Wisconsin, against the River View Canning Corp., Markesan, Wis., and Wallace W. Evans, president.

ALLEGED SHIPMENT: On or about September 1, 1945, from the State of Wisconsin into the State of Illinois.

LABEL, IN PART: "The Great Atlantic & Pacific Tea Co., New York, N. Y. Distributors Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard in quality.

DISPOSITION: April 21, 1947. Pleas of guilty having been entered, the court imposed fines of $250 and $100 against the corporation and the individual defendant, respectively.

11243. Misbranding of canned peas. U. S. v. Stoughton Canning Co. Plea of guilty. Fine, $1,200. (F. D. C. No. 20197. Sample Nos. 3660–H, 21530–H, 43231–H.)

INFORMATION FILED: November 4, 1946, Western District of Wisconsin, against the Stoughton Canning Co., a corporation, Stoughton, Wis.

ALLEGED SHIPMENT: On or about July 31 and August 1 and 23, 1945, from the State of Wisconsin into the States of Maryland, Virginia, and Nebraska.

LABEL, IN PART: The cans were unlabeled, but the shipments were invoiced "Std #4 Alaska."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article was below standard because of its high percentage of alcohol-insoluble solids; Section 403 (e) (1), it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement, or any statement whatever, of the quantity of the contents; and, Section 403 (g) (2), it bore no label containing the name of the food specified in the definition and standard of identity for canned peas.

DISPOSITION: December 3, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $400 on each of 3 counts, a total fine of $1,200.

11244. Misbranding of canned peas. U. S. v. 1,296 Cases * * *. (F. D. C. No. 20220. Sample Nos. 43019–H, 43020–H.)

LIBEL FILED: June 6, 1946, District of Columbia.

ALLEGED SHIPMENT: On or about August 3 and September 6, 1945, by the Lineboro Canning Co., Inc., from Lineboro, Md.

PRODUCT: 1,296 cases, each containing 24 1-pound, 4-ounce cans, of peas at Washington, D. C.

LABEL, IN PART: "Hi-Chief [or "Mason-Dixon"] Brand Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: July 31, 1946. The Lineboro Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

11245. Misbranding of canned peas. U. S. v. 822 Cases and 448 Cases * * *. (F. D. C. Nos. 19105, 19217. Sample Nos. 34903–H, 34905–H.)

LIBELS FILED: On or about February 14 and March 6, 1946, Western District of Missouri.

ALLEGED SHIPMENT: On or about October 31, 1945, by the Frank Herfort Canning Co., Inc., from Baraboo, Wis.

PRODUCT: 822 cases and 448 cases, each containing 24 1-pound, 4-ounce cans, of peas at Joplin and Webb City, Mo., respectively.

LABEL, IN PART: "Devil's Lake * * * Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard in quality.

DISPOSITION: On or about February 17 and 19, 1947. The Frank Herfort Canning Co., Inc., having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be relabeled in compliance with the law, under the supervision of the Food and Drug Administration.

11246. Misbranding of canned peas. U. S. v. 793 Cases * * *. (F. D. C. No. 20330. Sample No. 15402–H.)

LIBEL FILED: June 17, 1946, Northern District of Indiana.

ALLEGED SHIPMENT: On or about August 28, 1945, by the Lancaster Canning Co., from Lancaster, Wis.

PRODUCT: 793 cases, each containing 48 1-pound, 4-ounce cans, of peas at Fort Wayne, Ind.

LABEL, IN PART: "Merrit Brand No. 4 Sieve Early June Peas * * * Packed for A. H. Perfect & Co., Inc., Fort Wayne, Ind. Sturgis, Mich."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard.

DISPOSITION: September 20, 1946. The Lancaster Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered

and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

11247. Misbranding of canned peas. U. S. v. 250 Cases * * *. (F. D. C. No. 19589. Sample No. 23175–H.)

LIBEL FILED: On or about April 17, 1946, Western District of Missouri.

ALLEGED SHIPMENT: On or about November 3, 1945, by the Seymour Canning Co., from Seymour, Wis.

PRODUCT: 250 cases, each containing 24 1-pound, 2-ounce cans, of peas at Chillicothe, Mo.

LABEL, IN PART: "Ontra Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard.

DISPOSITION: May 20, 1946. The Seymour Canning Co. having appeared as claimant, judgment was entered finding the product misbranded as alleged and ordering that it be released to the claimant to be relabeled under the supervision of the Food and Drug Administration.

11248. Adulteration of dill pickles. U. S. v. Sparks Pickle Company. Plea of guilty. Fine, $500. (F. D. C. No. 19544. Sample Nos. 360–H, 23030–H, 31635–H, 31636–H.)

INFORMATION FILED: May 16, 1946, Middle District of Georgia, against the Sparks Pickle Co., a partnership, Sparks, Ga.

ALLEGED SHIPMENT: On or about May 31 and June 8 and 15, 1945, from the State of Georgia into the States of Florida, California, and Missouri.

LABEL, IN PART: "Sparks * * * Dill Pickles."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect excreta, sand, and grit; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 17, 1947. A plea of guilty having been entered on behalf of the defendant, a fine of $500 was imposed.

11249. Adulteration of potato chips. U. S. v. Philip Frank and Charles Zeitz (Hygrade Bakery). Plea of nolo contendere. Defendants fined $480 and $6.00, respectively. (F. D. C. No. 20144. Sample Nos. 4365–H, 4758–H, 4856–H, 4861–H, 4862–H, 7355–H.)

INFORMATION FILED: August 26, 1946, Eastern District of Pennsylvania, against Philip Frank and Charles Zeitz, trading as the Hygrade Bakery, Philadelphia, Pa.

ALLEGED SHIPMENT: Between the approximate dates of August 31 and September 20, 1945, from the State of Pennsylvania into the States of Delaware and New Jersey.

LABEL, IN PART: "Hygrade Golden Crisp Potato Chips."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), a portion of the product consisted in part of a filthy and decomposed substance by reason of the presence of worm-damaged and rot-damaged potato chips, and the remainder was unfit for food by reason of the presence of worm holes and by reason of the fact that portions had been prepared from potatoes, some of which were green, decomposed, or wormy.

DISPOSITION: September 24, 1946. Both defendants having entered pleas of nolo contendere, the court imposed fines of $80 on each count, a total of $480, against Philip Frank, and $1.00 on each count, a total of $6.00, against Charles Zeitz.

11250. Adulteration of potato chips. U. S. v. Conway W. Williamson (Maxine Sandwich Co.). Plea of guilty. Fine, $150, or 3 months' imprisonment. (F. D. C. No. 20158. Sample Nos. 294–H, 673–H, 674–H, 791–H.)

INFORMATION FILED: July 24, 1946, Western District of South Carolina, against Conway W. Williamson, trading as the Maxine Sandwich Co., Greenville, S. C.

ALLEGED SHIPMENT: On or about July 25 and 31 and August 1, 1945, from the State of South Carolina into the State of North Carolina.

LABEL, IN PART: "Maxine's Little Dinner Potato Chips Ingredients: Selected Potatoes, Vegetable Shortening, Salt Added."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained an added deleterious substance, mineral oil, which may have rendered the article injurious to health; Section 402 (b) (1), a valuable constitutent of the article, vegetable shortening, had been in part omitted; Section 402 (b) (2), a substance consisting of potato chips with added nonnutritive mineral oil had been substituted in part for potato chips with vegetable shortening; and, Section 402 (b) (4), mineral oil had been added to the article and mixed and packed with it so as to reduce its quality.

DISPOSITION: November 25, 1946. The defendant having entered a plea of guilty, the court imposed a fine of $150, with the alternative of 3 months' imprisonment.

11251. Adulteration of canned sweet potatoes. U. S. v. 633 Cases * * *. (F. D. C. Nos. 20005, 20006, 20339. Sample Nos. 52658–H, 52660–H, 52665–H.)

LIBELS FILED: June 21, 1946, Southern District of Indiana.

ALLEGED SHIPMENT: On or about December 22, 1945, by Charles R. Allen, from Charleston, S. C.

PRODUCT: 10 cases, 472 cases, and 151 cases of canned sweet potatoes at Indianapolis, Ind. Each case contained 24 1-pound, 13-ounce cans. Examination showed that the product was in a state of active decomposition.

LABEL, IN PART: "I-Dine Sliced Sweet Potatoes in Light Syrup Packed By South Atlantic Canning Co. Mount Pleasant, S. C."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: July 22, 1946. Charles R. Allen, Inc., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The cans containing decomposed sweet potatoes were segregated and destroyed.

11252. Adulteration of sweet relish. U. S. v. 8 Cases * * *. (F. D. C. No. 19851. Sample No. 56366–H.)

LIBEL FILED: May 8, 1946, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about February 6, 1946, by the Western Food Products Co., from Hutchinson, Kans.

PRODUCT: 18 cases, each containing 24 1-pint jars, of sweet relish at Oklahoma City, Okla.

LABEL, IN PART: "Western Maid Sweet Relish."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, monochloracetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice.

DISPOSITION: June 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11253. Adulteration of sauerkraut. U. S. v. 715 Cases and 198 Cases * * *. (F. D. C. Nos. 20309, 20345. Sample Nos. 12632–H, 65326–H.)

LIBELS FILED: June 19 and 27, 1946, Middle District of Pennsylvania and District of Massachusetts.

ALLEGED SHIPMENT: On or about April 12 and 18, 1946, by L. C. Forman & Sons, Inc., from Pittsford, N. Y.

PRODUCT: 715 cases and 198 cases, each containing 24 1-pound, 11-ounce cans, of sauerkraut at Somerville, Mass., and Wilkes-Barre, Pa., respectively. Examination showed that the product was undergoing progressive decomposition.

LABEL, IN PART: (Cans) "Monarch Sauer Kraut * * * Distributors Reid, Murdoch & Co., Chicago, Ill.," or "Forman's Sauerkraut."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: July 24 and November 25, 1946. No claimant having appeared, judgments of condemnation were entered and the Somerville lot was ordered

destroyed, together with that portion of the Wilkes-Barre lot found to be unfit for human consumption. It was further ordered that any portion of the Wilkes-Barre lot that was fit for human food be delivered to charitable institutions.

11254. Adulteration of canned spinach. U. S. v. 1,005 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 20297, 20542, 20543. Sample Nos. 1519–H, 1526–H, 1917–H.)

LIBELS FILED: On or about June 26 and July 23, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about March 27, 1945, by the Clarksville Packing Co., from Clarksville, Ark.

PRODUCT: 1,135 cases, each containing 24 18-ounce cans, of spinach at Atlanta, Ga.

LABEL, IN PART: "Staff-O-Life Brand Spinach Distributed by Canners Exchange Inc., Springfield, Mo."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: August 12 and 22, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed. A portion of the product was utilized as hog feed.

11255. Adulteration of canned spinach. U. S. v. 515 Cases * * *. (F. D. C. No. 20331. Sample No. 51414–H.)

LIBEL FILED: June 20, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about April 10, 1946, by the Frank M. Wilson Co., from Stockton, Calif.

PRODUCT: 515 cases, each containing 24 1-pound, 2-ounce cans, of spinach at Minneapolis, Minn.

LABEL, IN PART: "California Nugget Brand Fancy Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of aphids.

DISPOSITION: February 19, 1947. The claimant having consented to the entry of a decree, judgment was entered ordering that the product be denatured for use as animal feed or destroyed.

11256. Adulteration of canned spinach. U. S. v. 360 Cases and 99 Cases * * *. (F. D. C. Nos. 20067, 20592. Sample Nos. 58200–H, 59332–H.)

LIBELS FILED: June 13 and July 30, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about April 30, 1946, by the Frank Raiter Canning Co., from Salinas, Calif.

PRODUCT: 360 cases, each containing 6 6-pound, 4-ounce cans, and 99 cases, each containing 24 1-pound, 11-ounce cans, of spinach at Seattle, Wash.

LABEL, IN PART: "Raiter's Spinach," or "Raiter's Fancy Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of aphids.

DISPOSITION: July 23 and September 18, 1946. The Frank Raiter Canning Co. having appeared as claimant for the 360-case lot and having consented to the entry of a decree, and no claimant having appeared for the other lot, judgments of condemnation were entered. The 360-case lot was ordered released under bond for the purpose of segregating and repacking the fit portion, under the supervision of the Federal Security Agency, and the 99-case lot was ordered destroyed.

11257. Adulteration of canned spinach. U. S. v. 398 Cases * * *. (F. D. C. No. 18122. Sample No. 30788–H.)

LIBEL FILED: November 26, 1945, District of Colorado.

ALLEGED SHIPMENT: On or about October 19, 1945, by Harcourt, Greene Co. from San Francisco, Calif.

PRODUCT: 398 cases, each containing 24 1-pound, 11-ounce cans, of spinach at Denver, Colo.

LABEL, IN PART: "R-Best Brand Spinach * * * Stockton Food Products, Inc., Stockton, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of aphids.

DISPOSITION: June 12, 1947. The Stockton Food Products Co. having appeared as claimant, the product was ordered released under bond, conditioned that the unfit portion be destroyed under the supervision of the Food and Drug Administration and that the remainder be delivered to the consignee.

11258. Adulteration of canned spinach. U. S. v. 219 Cases, etc. (F. D. C. No. 17256. Sample Nos. 29899–H, 29902–H.)

LIBEL FILED: August 31, 1945, Territory of Hawaii.

ALLEGED SHIPMENT: On or about August 8, 1945, by American Factors, Ltd., from San Francisco, Calif.

PRODUCT: Canned spinach. 219 cases, each containing 6 6-pound, 2-ounce cans, and 48 cases, each containing 24 1-pound, 11-ounce cans, at Honolulu, T. H.

LABEL, IN PART: "Hit Parade California Spinach packed by Fruitvale Canning Co. Oakland, Calif.," or "Diamond Head Brand Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of aphids.

DISPOSITION: November 5, 1945. The shipper having consented to the entry of a decree, the product was condemned and ordered forfeited.

TOMATOES AND TOMATO PRODUCTS

11259. Misbranding of canned tomatoes. U. S. v. Ripley Canning Co. Plea of nolo contendere. Fine, $250. (F. D. C. No. 17815. Sample No. 89873–F.)

INFORMATION FILED: December 4, 1946, Western District of Tennessee, against the Ripley Canning Co., a partnership, Ripley, Tenn.

ALLEGED SHIPMENT: On or about September 26, 1944, from the State of Tennessee into the State of Mississippi.

LABEL, IN PART: "Forked Deer Brand Contents 1 Lb. 3 Oz. Hand Packed Tomatoes Packed by Humboldt Canning Co., Humboldt, Tenn."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the declared weight; Section 403 (h) (1), it fell below the standard of quality prescribed for canned tomatoes, because of the low drained weight and the tomato peel in excess of the amount permitted by the regulations; and, Section 403 (h) (2), it failed to conform to the standard of fill of container prescribed for canned tomatoes since the fill of container was less than 90 percent of the total capacity of the container. The label failed to bear, as specified by the regulations, a statement that the article fell below the standard of quality and fill of container.

DISPOSITION: January 17, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $250.

11260. Adulteration and misbranding of tomato puree. U. S. v. Califruit Canning Co., a partnership, Dino A. Volandri, Alfred Volandri, and Silvio Montanelli. Pleas of guilty. Fines of $250 against the partnership defendant and $5.00 against each of the individual defendants. (F. D. C. No. 20212. Sample Nos. 7322–H, 7938–H, 8150–H, 8152–H.)

INFORMATION FILED: January 20, 1947, Northern District of California, against the Califruit Canning Co., trading and doing business at Manteca, Calif., and Dino A. Volandri, Alfred Volandri, and Silvio Montanelli, partners.

ALLEGED SHIPMENT: On or about October 23 and 25 and November 9 and 13, 1945, from the State of California into the States of New York and New Jersey.

LABEL, IN PART: (Portion, cans) "Lulu Brand Supreme Product of Distinction B. Dorman and Sons Brooklyn, N. Y. Distributors Extra Heavy Tomato Puree"; (remainder, cases) "Unlabeled Tomato Puree, Ex. Heavy."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding (1 lot only), Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (g) (2), it purported to be and was represented as tomato puree, a food for which a definition and standard of identity has been prescribed by the regulations, and its label failed to bear the name of the food specified in the definition and standard.

DISPOSITION: March 20, 1947. Pleas of guilty having been entered, the court imposed fines of $250 against the partnership defendant and $5.00 against each of the three individual defendants.

11261. Adulteration of tomato puree. U. S. v. St. Marys Packing Co. Plea of guilty. Fine, $100. (F. D. C. No. 20110. Sample Nos. 28258–H, 31524–H.)

INFORMATION FILED: July 3, 1946, against the St. Marys Packing Co., a corporation, St. Marys, Ohio.

ALLEGED SHIPMENT: On or about March 2 and 3, 1945, from the State of Ohio into the States of Washington and California.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: November 12, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $100.

11262. Adulteration and misbranding of tomato puree. U. S. v. 139 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 20056, 21803, 22324. Sample Nos. 25899–H, 35807–H, 57268–H.)

LIBELS FILED: June 5 and December 3, 1946, and February 28, 1947, District of Colorado, Eastern District of Missouri, and District of Massachusetts.

ALLEGED SHIPMENT: On or about November 19, 1945, and October 21 and 26, 1946, by Flotill Products, Inc., from Modesto and Stockton, California.

PRODUCT: Tomato puree. 139 cases, each containing 6 6-pound, 9-ounce cans, at Denver, Colo.; 249 cases, each containing 24 1-pound, 12-ounce cans, at St. Louis, Mo.; and 99 cases, each containing 24 1-pound, 12-ounce cans, at Springfield, Mass. Examination showed that the St. Louis and Springfield lots were short-weight and that the Denver lot contained decomposed tomato material.

LABEL, IN PART: "Flotta Tomato Puree Contents 1 Lb. 12 Ozs. [or "Contents 6 Lbs. 9 Oz."]."

NATURE OF CHARGE: Denver lot. Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

St. Louis and Springfield lots. Misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents.

DISPOSITION: July 30, 1946, and February 28 and May 20, 1947. Flotill Products, Inc., Stockton, Calif., claimant for the St. Louis and Springfield lots, having consented to the entry of decrees, and no claimant having appeared for the Denver lot, judgments of condemnation were entered. The Denver lot was ordered destroyed; and the St. Louis and Springfield lots were ordered released under bond, conditioned that they be brought into compliance with the law, under the supervision of the Federal Security Agency. The latter lots were relabeled.

11263. Adulteration of tomato puree. U. S. v. 3,000 Cases * * *. (F. D. C. No. 20365. Sample Nos. 58623–H, 58624–H, 58677–H, 58678–H.)

LIBEL FILED: July 8, 1946, District of Oregon.

ALLEGED SHIPMENT: On or about October 25 and 26, 1945, by the St. Claire Packing Co., from San Jose, Calif.

PRODUCT: 3,000 cases, each containing 6 No. 10 cans, of tomato puree at Portland, Oreg.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: October 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11264. Misbranding of tomato puree. U. S. v. 115 Cases * * *. (F. D. C. No. 20048. Sample No. 59011–H.)

LIBEL FILED: May 29, 1946, District of Montana.

ALLEGED SHIPMENT: On or about March 5, 1946, by the Valley Food Co., from Donna, Tex.

PRODUCT: 115 cases, each containing 100 4¾-ounce cans, of tomato puree at Great Falls, Mont.

LABEL, IN PART: "Del-I-Pak Brand Tomato Puree."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity established by the regulations, since it contained less than 8.37 percent of salt-free tomato solids, the minimum permitted by the standard.

DISPOSITION: October 28, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11265. Adulteration of tomato sauce. U. S. v. 200 Cases and 199 Cases * * *. (F. D. C. Nos. 18978, 19008. Sample Nos. 29514–H, 46801–H.)

LIBELS FILED: January 14 and 28, 1946, District of Puerto Rico.

ALLEGED SHIPMENT: On or about December 18, 1945, by the Banton Corp., from San Francisco, Calif.

PRODUCT: 399 cases, each containing 72 8-ounce cans, of tomato sauce at San Juan, Puerto Rico.

LABEL, IN PART: "Hunt's Supreme Quality Fancy Spanish Style Tomato Sauce * * * Packed By Hunt Brothers Packing Company [or "Hunt Foods Inc."] * * * San Francisco Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: April 29, 1947. No claim or answer having been filed, judgments of forfeiture were entered and the product was ordered destroyed.

MEAT AND POULTRY

11266. Adulteration and misbranding of frozen frog legs. U. S. v. 344 Packages * * *. (F. D. C. No. 20013. Sample No. 60388–H.)

LIBEL FILED: May 17, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about April 27, 1946, by Morris Fisheries, Inc., from Chicago, Ill.

PRODUCT: 344 12-ounce packages of frozen frog legs at Buffalo, N. Y.

LABEL, IN PART: "Frog Legs * * * Produced by Melver, Incorporated, Sebastian, Florida."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of viscera and of a putrid substance by reason of the presence of putrid frog legs; and, Section 402 (b) (2), portions of the back and head had been substituted in part for frog legs.

Misbranding, Section 403 (a), the designation "Frog Legs" was false and misleading as applied to the article, which contained portions of the back and head.

DISPOSITION: June 11, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11267. Adulteration of poultry. U. S. v. The Cudahy Packing Co. Plea of guilty. Fine, $100 and costs. (F. D. C. No. 20184. Sample No. 6120–H.)

INFORMATION FILED: November 15, 1946, Southern District of Iowa, against the Cudahy Packing Co., a corporation, trading at Winfield, Iowa.

ALLEGED SHIPMENT: On or about October 18, 1945, from the State of Iowa into the State of New York.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in part the product of a diseased animal by reason of the presence in the article of birds affected with tumors, and birds that were eggbound and had accessory ascites.

DISPOSITION: April 22, 1947. A plea of guilty having been entered, the court imposed a fine of $100 and costs.

11268. Adulteration of poultry. U. S. v. 108 Boxes * * *. (F. D. C. No. 19463. Sample No. 154–H.)

LIBEL FILED: April 1, 1946, Southern District of Florida.

ALLEGED SHIPMENT: On or about March 13, 1946, by the Lawson Poultry Co., from Canton, Ga.

PRODUCT: 108 boxes, each containing 64 pounds, of poultry at Tampa, Fla. A portion of the poultry was decomposed.

LABEL, IN PART: "Cherokee Brand Gainesville Area Top Quality."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: April 6, 1946. R. G. Lawson, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the separation of the fit from the unfit and the destruction of the latter, under the supervision of the Food and Drug Administration.

11269. Adulteration of frozen chickens. U. S. v. 106 Barrels * * *. (F. D. C. No. 20332. Sample No. 35529–H.)

LIBEL FILED: June 17, 1946, Western District of Tennessee.

ALLEGED SHIPMENT: On or about April 24, 1946, by the National Produce Co., from Memphis, Tenn., to Camden, N. J. The shipment was rejected and returned on or about May 14, 1946.

PRODUCT: 106 barrels of frozen chickens at Memphis, Tenn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 24, 1946. The National Produce Co., Memphis, Tenn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for evisceration and segregation of the fit portion, under the supervision of the Food and Drug Administration. The unfit portion was denatured.

11270. Misbranding of sandwich chicken. U. S. v. 51 Cases * * *. (F. D. C. No. 19799. Sample No. 59214–H.)

LIBEL FILED: April 26, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about March 9, 1946, by the Mione Packing Co., Ltd., from McMinnville, Oreg.

PRODUCT: 51 cases, each containing 24 jars, of sandwich chicken at Los Angeles, Calif. Examination disclosed that the product consisted essentially of broth, ground chicken, cracked wheat, and rolled oats, and that, in addition, it was short weight.

LABEL, IN PART: (Jar) "Mione Brand Sandwich Chicken Contents: Chicken, Broth, Cereal, Salt and Spice Net Wt. 3½ Oz."

NATURE OF CHARGE: Misbranding, Section 403 (a), the designation on the label "Sandwich Chicken" was misleading as applied to an article consisting essentially of broth, ground chicken, cracked wheat, and rolled oats; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 22, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

11271. Adulteration of frozen turkeys. U. S. v. 131 Boxes * * *. (F. D. C. No. 18621. Sample No. 1138–H.)

LIBEL FILED: December 3, 1945, Western District of North Carolina.

ALLEGED SHIPMENT: On or about October 6 and November 16, 1945, by Charles P. Whitesides, from Sharon, S. C., to Birmingham, Ala., and from Birmingham, Ala., to Charlotte, N. C.

PRODUCT: 131 boxes containing approximately 14,000 pounds of frozen dressed turkeys at Charlotte, N. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: December 17, 1945. The owner of the product having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

11272. Adulteration of hen turkeys. U. S. v. 96 Boxes * * *. (F. D. C. No. 20312. Sample No. 65030–H.)

LIBEL FILED: June 28, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 4, 1946, by the Irving Manaster Co., from Chicago, Ill.

PRODUCT: 96 boxes, each containing approximately 100 pounds, of hen turkeys at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of contamination with fecal matter and the presence of decomposed poultry; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: On July 22, 1946, Food Fair Stores, Inc., Philadelphia, Pa., claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. On July 29, 1946, an amended decree was entered ordering the product shipped to an evisceration plant to be eviscerated, the fit portion to be canned and the unfit portion to be destroyed under the supervision of the Food and Drug Administration.

NUTS AND NUT PRODUCTS*

11273. Adulteration of peanuts. U. S. v. New York Nut Shelling Co., Inc. Plea of guilty. Fine, $1,000. (F. D. C. No. 12593. Sample Nos. 65782–F, 65783–F, 65786–F.)

INFORMATION FILED: On or about November 20, 1944, District of New Jersey, against the New York Nut Shelling Co., Inc., Hoboken, N. J.

ALLEGED SHIPMENT: On or about November 22, 1943, from the State of New Jersey into the State of New York.

LABEL, IN PART: "Sugar Roasted Pnts," "Spanish Salted Peanuts," or "Roasted Granulated Peanuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 18, 1947. A plea of guilty having been entered, the court imposed a fine of $1,000.

11274. Adulteration of peanuts. U. S. v. 417 Bags and 430 Bags * * *. (F. D. C. Nos. 19879, 19996. Sample Nos. 38147–H, 70436–H.)

LIBELS FILED: May 14 and 20, 1946, Northern District of Illinois and Southern District of California.

ALLEGED SHIPMENT: On or about January 23 and March 25, 1946, by the Marianna Peanut Co., from Marianna, Fla.

PRODUCT: 417 120-pound bags of peanuts at Blue Island, Ill., and 430 115-pound bags of the same product at Los Angeles, Calif. Examination showed the presence of moldy peanuts.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

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*See also Nos. 11164–11166.

DISPOSITION: June 17 and July 23, 1946. Los Angeles Nut House, Los Angeles, Calif., claimant for the Los Angeles lot, and the Georgia Peanut Co., Atlanta, Ga., claimant for the Blue Island lot, having admitted the facts in the respective libels, judgments of condemnation were entered and the product was ordered released under bond to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration.

11275. Adulteration of shelled peanuts. U. S. v. 413 Bags * * *. (F. D. C. No. 19926. Sample No. 41892–H.)

LIBEL FILED: May 15, 1946, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about April 18, 1946, by the Blakely Peanut Co., from Blakely, Ga.

PRODUCT: 313 120-pound bags and 100 125-pound bags of shelled peanuts at Suffolk, Va.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy and decomposed peanuts.

DISPOSITION: June 11, 1946. The Blakely Peanut Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

11276. Adulteration of shelled peanuts. U. S. v. 48 Sacks * * *. (F. D. C. No. 20337. Sample Nos. 40326–H, 40327–H.)

LIBEL FILED: June 14, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about December 19, 1945, from Ashburn, Ga.

PRODUCT: 48 125-pound sacks of shelled peanuts at St. Louis, Mo., in possession of the Ace High Products Co. The product was stored under insanitary conditions after shipment. Some of the sacks were rodent-gnawed, and examination showed that the product contained rodent pellets and rodent hairs.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 9, 1946. The Ace High Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

11277. Adulteration of shelled walnuts. U. S. v. 11 Cartons * * *. (F. D. C. No. 20075. Sample No. 51088–H.)

LIBEL FILED: June 11, 1946, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about June 27, 1945, by T. M. Duche & Sons, Inc., from Chicago, Ill.

PRODUCT: 11 cartons, each containing 25 pounds, of shelled walnuts at Madison, Wis.

LABEL, IN PART: "Emerald Brand California Walnut Growers Association, Los Angeles, Calif. Halves and Pieces."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect-eaten walnuts, and insect excreta.

DISPOSITION: September 4, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered disposed of for use as animal feed.

11278. Adulteration of shredded coconut. U. S. v. 100 Cartons * * *. (F. D. C. No. 18516. Sample No. 18800–H.)

LIBEL FILED: December 4, 1945, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about October 17, 1945, by Jovita Perez, from San Antonio, Tex.

PRODUCT: 100 25-kilo cartons of shredded coconut at Menomonie, Wis.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of sour and rancid coconut.

DISPOSITION: February 20, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

11279. Misbranding of peanut butter. U. S. v. Old Reliable Peanut Co., Inc., and James C. Hines. Plea of nolo contendere on behalf of the corporation; fine, $150. Plea of not guilty by the individual; judgment of not guilty. (F. D. C. No. 20142. Sample Nos. 41827–H, 41828–H, 41833–H.)

INFORMATION FILED: June 27, 1946, Eastern District of Virginia, against the Old Reliable Peanut Co., Inc., Suffolk, Va., and James C. Hines, superintendent of the company.

ALLEGED SHIPMENT: Between the approximate dates of December 21, 1945, and January 4, 1946, from the State of Virginia into the State of North Carolina.

LABEL, IN PART: "Old Reliable Weight 8¾ Ozs. Net Peanut Butter."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents in terms of weight. The jars bore the statement "Weight 8¾ Ozs. Net," but they actually contained less than 8¾ ounces net of peanut butter.

DISPOSITION: July 15, 1946. A plea of nolo contendere having been entered on behalf of the corporate defendant, the court imposed a fine of $50 on each of 3 counts, a total fine of $150. A plea of not guilty having been entered by the individual defendant, the court, after hearing the evidence, found the individual defendant not guilty.

OILS AND FATS

11280. Adulteration and misbranding of salad dressing. U. S. v. Arthur H. Beck (Beck's Salad Dressing & Catering Co.). Plea of not guilty; verdict of guilty. Fine, $200 and costs. (F. D. C. No. 14226. Sample Nos. 6149–F, 6150–F.)

INFORMATION FILED: February 26, 1945, Southern District of Iowa, against Arthur H. Beck, trading as the Beck's Salad Dressing & Catering Co., Davenport, Iowa.

ALLEGED SHIPMENT: On or about April 3, 1944, from the State of Iowa into the State of Illinois.

LABEL, IN PART: "Beck's 1 Qt. Butter Cream Brand Salad Dressing * * * Beck's Mayonnaise Products Davenport, Ia.," or "1 Qt. Beck's Salad Dressing * * * Victory Dressing * * * Beck's Mayonnaise Products Davenport, Iowa."

NATURE OF CHARGE: Butter Cream Brand Salad Dressing. Adulteration, Section 402 (b) (1), valuable constituents of the article had been in whole and in part omitted since the article was represented to be butter cream salad dressing, made from corn oil and other vegetable oil, whereas butter and cream had been in whole omitted and corn and other vegetable oils had been in part omitted, in the manufacture of the article; Section 402 (b) (2), a product containing a nonnutritive substance, mineral oil, and containing no butter or cream, had been substituted for butter cream salad dressing, a product which contains butter and cream and does not contain nonnutritive mineral oil; and, Section 402 (b) (4), mineral oil had been mixed and packed with the article so as to reduce its quality. Misbranding, Section 403 (a), the label statement "Butter Cream Brand Salad Dressing Contents, Eggs, Spices, Vinegar, Cereal, Vegetable Oil, Corn Oil & Sugar" was false and misleading since it represented and suggested that the article contained butter and cream; that the oil contained in the article consisted entirely of corn oil or other vegetable oil; and that the article was salad dressing, a product which does not contain mineral oil. The article did not contain butter and cream; the oil in the article did not consist entirely of corn oil or other vegetable oil, but did consist in part of mineral oil; and the article was not salad dressing, but was a product which contained mineral oil.

Victory Dressing. Adulteration, Section 402 (b) (2), a product containing a nonnutritive substance, mineral oil, had been substituted for salad dressing; and, Section 402 (b) (4), mineral oil had been mixed and packed with the

article so as to reduce its quality. Misbranding, Section 403 (a), the name of the article "Salad Dressing" and the label statement "Beck's Salad Dressing Victory Dressing" were false and misleading since the name and statement represented and suggested that the article consisted of salad dressing, a substance which does not contain mineral oil, whereas the article consisted of a substance containing mineral oil.

Both products. Misbranding, Section 403 (f), certain information required by law to appear on the labels of the articles was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: The defendant having filed a consolidated demurrer and motion to strike, the court, on November 8, 1945, sustained the defendant's motion to strike from the information the portions charging a violation of Section 403 (f), and overruled the demurrer and motion in all other respects.

On October 29, 1946, the defendant having entered a plea of not guilty, the case came on for trial before the court, and at its conclusion on October 30, 1946, the court handed down the following ruling and judgment, finding the defendant guilty:

THE COURT: "Gentlemen, I think this is a very interesting case, and I have listened to it with a great deal of interest, but I feel technically the defendant is guilty of each and all of the counts in the Information.

"In the First Count there is a charge of adulteration on the ground primarily that he used in his label the term 'Butter Cream Brand.' Now, of course, he uses the term or word 'Brand' in there, and I suppose a person shouldn't be misled by the use of that term as importing or inferring that it was a salad dressing, the basis of which was butter and cream; and yet, I think that that was the purpose of it and I think that it is misleading, and consequently I think that there was a misbranding in that sense. Also, for the same reason, I feel that it would be adulterated because there wasn't any butter or cream in it, and no ingredient in the dressing was butter or cream, but mineral oil was substituted.

"So, as to Count One, I find on the fact question that the product designated as 'Butter Cream' was adulterated in that butter and cream were not used in its manufacture, but other materials were substituted therefor; and I find as a matter of fact on Count Two of the Information that there was misbranding in that mineral oil was used instead of butter and cream or any ingredients that would take the place thereof.

"Counts Three and Four are based upon the idea of the Government that there was in the selling of the product designated as 'Victory Dressing' a standard as to what constitutes salad dressing, so that the use of mineral oil therein was a variance from, and not a part of, the standard as to what is a salad dressing. I have a rather different idea than has been suggested here by counsel for either side. I have listened to the evidence carefully, and I think, and I have come to the conclusion, that there is a secondary meaning of the word 'salad dressing' when used in connection with a manufactured product put out for a dressing for salads; that while 'salad dressing' itself is a generic term and would include any dressing for a salad, yet it has grown up to mean a dressing containing a vegetable oil with eggs and sugar and condiments and so forth, and the basis of it is a vegetable oil. But I don't think even that is necessary to determine the question of whether or not there was a misbranding and adulteration of the salad dressing by the use of this mineral oil.

"Now, I think the Court can take judicial notice of the fact that mineral oil is a non-nutrient oil. It is sold generally in drug stores and its primary purpose is for use in medicines, to oil up the alimentary canal of the human body. In its use as a food it has no nutritive value and would add nothing as an item of food such as a salad dressing; therefore, it comes as a shock to a person to say that mineral oil can be used under the designation of and in the sale of salad dressing, without the statement connected with the designation of the product on the label, prominently displayed, as being salad dressing; that is, labeled as a salad dressing containing a mineral oil which is non-nutritive. I think that is established or recognized by the defendant himself, because he says he is now putting out the product as a salad dressing containing mineral oil, and the mineral oil is on the label as a limitation on the word 'salad dressing.'

"So I think that the fact that the product was advertised as salad dressing was a misbranding and adulteration as it contained mineral oil substituted for vegetable oil.

"I therefore find as a finding of fact on Count III of the Information that the product designated as a salad dressing was misleading and an adulteration in that it contained a non-nutritive element known as mineral oil, which has no place in a salad dressing; and the mere use of the mineral oil for a dressing of that kind without a designation on the label that it is a part of the salad dressing, and a designation as 'salad dressing' without the designation on the label 'salad dressing containing mineral oil' is both a misbranding and an adulteration.

"As to Count Four, the same finding of fact.

"I therefore find the defendant guilty on Count One of the Information, Count Two of the Information, Count Three of the Information and Count Four of the Information, and it will be the sentence and judgment of the Court that he pay a fine of $50.00 on each Count and the costs of this action.

"To all of which the defendant, Arthur H. Beck, excepts."

11281. Adulteration of salad dressing and adulteration and misbranding of salad oil. U. S. v. Gilmer W. Sparger (Puny's WOP Salad Dressing Co. and Puny Sparger). Plea of guilty. Fine, $70 and costs. (F. D. C. No. 20176. Sample Nos. 21267–H, 24607–H, 24612–H, 24741–H, 25109–H.)

INFORMATION FILED: September 9, 1946, Eastern District of Oklahoma, against Gilmer W. Sparger, trading as Puny's WOP Salad Dressing Co. and Puny Sparger, Ardmore, Okla.

ALLEGED SHIPMENT: Between the approximate dates of June 13 and August 16, 1945, from the State of Oklahoma into the States of Kansas, Louisiana, and Texas.

LABEL, IN PART: "Puny's Famous WOP Salad Dressing," or "Puny's Famous Salad Oil."

NATURE OF CHARGE: Salad dressing. Adulteration, Section 402 (a) (1), the article contained an added deleterious substance, mineral oil, which may have rendered it injurious to health; and, Section 402 (b) (2), an article containing mineral oil, a nonnutritive substance, had been substituted in whole or in part for salad dressing, which does not contain nonnutritive oils.

Salad oil. Adulteration, Section 402 (b) (2), mineral oil, a nonnutritive substance, and extract of annatto seed, an artificial color, had been substituted in whole or in part for salad oil, a nutritive substance, which the article was represented to be. Misbranding, Section 403 (a), the label statement "Salad Oil" was false and misleading; and, in addition, the labeling of the article was misleading in that it failed to reveal facts material with respect to the consequences which may result from the use of the article under such conditions of use as are customary or usual for salad oil, since the article contained mineral oil, a substance which would interfere seriously with the assimilation of certain essential vitamins and minerals, and when used as salad oil, might render the product in which it was used injurious to health.

DISPOSITION: December 9, 1946. The defendant having entered a plea of guilty, the court imposed a fine of $10 on each of the 7 counts, a total fine of $70 and costs.

11282. Adulteration and misbranding of french dressing. U. S. v. 495 Bottles * * *. (F. D. C. No. 20298. Sample No. 1461–H.)

LIBEL FILED: July 1, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about April 26, 1946, by Mid City Wholesale Grocers, from Chicago (Cicero), Ill.

PRODUCT: 495 8-ounce bottles of french dressing at Atlanta, Ga. This product was an artificially colored and diluted vinegar, with some flavoring and gum, and about one percent of oil. Oil is an integral part of french dressing.

LABEL, IN PART: "La-Fay French Dressing * * * Mfd. by The Daniels Food Products Co., Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, oil, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a), the label designation "French Dressing" was false and misleading; and, Section 403 (b), the article was offered for sale under the name of another food, i. e., french dressing.

DISPOSITION: February 21, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11283. Adulteration and misbranding of oil. U. S. v. 6 Drums and 11 Cases * * *. (F. D. C. No. 20246. Sample No. 65204–H.)

LIBEL FILED: June 11, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 1, 1946, from Hammonton, N. J., by an unknown party.

PRODUCT: 6 55-gallon drums and 11 cases, each case containing 6 1-gallon cans, of mineral oil at Philadelphia, Pa. This product had been represented to the consignee at Philadelphia, Pa., as edible vegetable oil.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance, artificially colored mineral oil, had been substituted for edible vegetable oil, which the article was represented to be.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food, i. e., edible vegetable oil.

DISPOSITION: September 26, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11284. Misbranding of edible oil. U. S. v. 99 Cans * * *. (F. D. C. No. 19973. Sample Nos. 63407–H, 63411–H.)

LIBEL FILED: May 29, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about May 1, 1946, by the Paladino Oil Co., from Brooklyn, N. Y.

PRODUCT: 99 5-gallon cans of edible oil at Newark, N. J. The product consisted of artificially flavored and colored soy bean oil in unlabeled cans.

NATURE OF CHARGE: Misbranding, Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (k), it contained artificial flavoring and artificial coloring and failed to bear labeling stating that fact.

DISPOSITION: June 18, 1946. Joseph Bass, Newark, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

SPICES, FLAVORS, AND SEASONING MATERIALS*

11285. Adulteration of ground mustard. U. S. v. 14 Barrels * * *. (F. D. C. No. 19885. Sample No. 63351–H.)

LIBEL FILED: May 9, 1946, District of New Jersey.

ALLEGED SHIPMENT: Between the approximate dates of May 17, 1945, and March 21, 1946, by Atlantis Sales Corp., from Rochester, N. Y.

PRODUCT: 14 200-pound barrels of ground mustard at Newark, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles and insect parts.

DISPOSITION: July 8, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11286. Adulteration of imitation pepper and dry red pepper. U. S. v. 145 Bags, etc. (F. D. C. No. 19972. Sample Nos. 63352–H, 63356–H.)

LIBEL FILED: May 29, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about April 1, 1946, from Cleveland, Ohio.

PRODUCT: 145 bags, each containing 100 pounds, of imitation pepper and 35 bags, each containing approximately 150 pounds, of dry red pepper at Newark, N. J., in possession of the J. R. Watkins Co.

The products were stored under insanitary conditions after shipment. Live weevils were noted on the bags of imitation pepper, and rodent excreta, urine stains, and weevils were noted on the bags of dry red pepper. Examination

*See also Nos. 11107, 11150.

disclosed that the imitation pepper contained beetles and that the dry red pepper contained rodent pellets, rodent hair fragments, and insects.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: July 1, 1946. The J. R. Watkins Co., Newark, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were released under bond, conditioned that the unfit portion of the imitation pepper be segregated and destroyed and that the dry red pepper be cleaned and used in the manufacture of liniment, under the supervision of the Food and Drug Administration.

11287. Adulteration of pimento peppers. U. S. v. 10 Barrels * * *. (F. D. C. No. 19556. Sample No. 19992–H.)

LIBEL FILED: March 28, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about November 14, 1945, by the Goldsmith Pickle Co., from Chicago, Ill.

PRODUCT: 10 50-gallon barrels of pimento peppers at Newport, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rotten peppers; and, Section 402 (b) (2), foreign material consisting of large fibrous stems, calyx buttons, and fragments of wood had been substituted in whole or in part for peppers.

DISPOSITION: June 14, 1946. The Cudahy Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

11288. Adulteration of paprika and chili powder. U. S. v. 89 Barrels * * * (and 1 other seizure action). (F. D. C. Nos. 19782, 20606. Sample Nos. 70416–H, 70482–H.)

LIBELS FILED: June 4 and August 16, 1946, Southern District of Indiana and Northern District of Texas.

ALLEGED SHIPMENT: From Los Angeles, Calif., by Spices, Inc. The paprika was shipped on or about March 2, 1946, and the chili powder was shipped on or about June 11, 1946.

PRODUCT: 89 230-pound barrels of paprika at Indianapolis, Ind., and 80 250-pound barrels of chili powder at Dallas, Tex.

LABEL, IN PART: "Rojo Paprika," or "Special Packers Chili Powder."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent hairs.

DISPOSITION: On August 9, 1946, Spices, Inc., claimant for the lot of paprika, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Federal Security Agency and disposed of as chicken feed. On October 3, 1946, no claimant having appeared for the lot of chili powder, judgment of condemnation was entered and the product was ordered destroyed.

11289. Adulteration of whole dill seed. U. S. v. 38 Bags * * *. (F. D. C. No. 19995. Sample No. 46836–H.)

LIBEL FILED: May 16, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about June 7, 1945, from New York, N. Y.

PRODUCT: 38 125-pound bags of whole dill seed at San Francisco, Calif., in possession of A. Schilling & Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta was observed on them. Examination showed that the product contained rodent excreta.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been

held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 19, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11290. Adulteration of dill seed. U. S. v. 19 Bags * * *. (F. D. C. No. 20368. Sample No. 52726–H.)

LIBEL FILED: July 3, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about August 13, 1945, from New York, N. Y.

PRODUCT: 19 bags, each containing approximately 120 pounds, of dill seed at Cleveland, Ohio. The product had been stored under insanitary conditions. Some of the bags were rodent-gnawed, and rodent excreta was observed on them. Examination showed that the product contained rodent excreta, rodent hair fragments, and insect parts.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 22, 1946. Euclid Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be cleaned and that the unfit portion be separated and destroyed under the supervision of the Food and Drug Administration.

11291. Adulteration of poppy seed. U. S. v. 1 Bag * * *. (F. D. C. No. 19679. Sample No. 65012–H.)

LIBEL FILED: April 16, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 11, 1945, by R. J. Spitz, from New York, N. Y.

PRODUCT: 1 bag, containing 134 pounds, of poppy seed at Philadelphia, Pa.

LABEL, IN PART: "British India Poppy Seed Artificially colored with vegetable extract."

NATURE OF CHARGE: Adulteration, Section 402 (b) (3), logwood had been added to the article, which concealed its inferiority; and, Section 402 (b) (4), logwood had been added to the article and made the product appear better or of greater value than it was.

DISPOSITION: October 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11292. Adulteration and misbranding of mushroom sauce. U. S. v. 70 Cases * * *. (F. D. C. No. 20084. Sample No. 46301–H.)

LIBEL FILED: June 11, 1946, District of Nevada.

ALLEGED SHIPMENT: On or about February 15, 1946, by the Riviera Packing Co., from Oakland, Calif.

PRODUCT: 70 cases, each containing 48 7-ounce cans, of mushroom sauce at Reno, Nev. Examination showed that the article was a spicy tomato sauce containing an insignificant amount of mushrooms.

LABEL, IN PART: "Riviera Italian Style Mushroom Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, mushrooms, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a), the label statement "Italian Style Mushroom Sauce" and the vignette of whole button mushrooms were false and misleading.

DISPOSITION: September 11, 1946. The Riviera Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.

11293. Adulteration and misbranding of spaghetti sauce. U. S. v. 98 Cases * * *. (F. D. C. No. 19807. Sample No. 59234–H.)

LIBEL FILED: May 23, 1946, District of Oregon.

ALLEGED SHIPMENT: On or about February 23, 1946, by the Louis Pulici Packing Co., from Los Angeles, Calif.

PRODUCT: 98 cases, each containing 24 8-ounce cans, of spaghetti sauce with mushrooms at Portland, Oreg. Examination showed that the product was a spicy tomato sauce containing an insignificant amount of mushrooms, not sufficient to characterize the taste.

LABEL, IN PART: "Pulici Brand Spaghetti Sauce With Mushrooms."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, mushrooms, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a), the label statement "Spaghetti Sauce With Mushrooms" was false and misleading.

DISPOSITION: September 9, 1946. The Louis Pulici Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

11294. Adulteration and misbranding of Tus Flavor (onion flavor). U. S. v. 8 Cans * * *. (F. D. C. No. 20023. Sample No. 18104-H.)

LIBEL FILED: June 7, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 21, 1944, by Magnus, Mabee & Reynard, Inc., from New York, N. Y.

PRODUCT: 8 25-pound cans of Tus Flavor at Chicago, Ill. The product was purchased by the consignee with the understanding that it was infused onion oil.

LABEL, IN PART: "Tus Flavor KS."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a yellow viscous oil with a strong onion-like odor, and containing asafoetida, had been substituted in whole or in part for infused onion oil.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food, i. e., infused onion oil.

DISPOSITION: November 6, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11295. Misbranding of vanilla extract and lemon extract. U. S. v. 137 Cases, etc. (and 1 other seizure action against vanilla and lemon extracts). (F. D. C. Nos. 19493, 19711. Sample Nos. 4799-H, 4800-H, 5274-H, 5275-H, 5381-H.)

LIBELS FILED: April 3 and 24, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of May 18, 1945, and March 14, 1946, by John Lecroy & Son, from Camden, N. J.

PRODUCT: 288 cases of vanilla extract and 76 cases of lemon extract at Philadelphia, Pa. Each case contained 12 ½-ounce bottles.

LABEL, IN PART: (Individual carton) "Relco Brand Quality Pack Pure Vanilla [or "Lemon"] Extract Distributed By Reliable Grocery Co. Inc. Philadelphia, Pa.," or "Lecroy's Pure Vanilla [or "Lemon"] Extract."

NATURE OF CHARGE: Misbranding, Section 403 (d), the containers of the articles were so filled as to be misleading, since the individual cartons were excessively large for the size of the bottles contained therein, making the packages appear to contain more food than was actually the case.

DISPOSITION: September 26, 1946. John Lecroy & Son, claimant, having consented to the entry of a decree, the cases were ordered consolidated and judgment of condemnation was entered against both lots. The product was ordered released under bond to be repackaged and relabeled under the supervision of the Food and Drug Administration.

MISCELLANEOUS FOODS

11296. Adulteration of chewing gum. U. S. v. Gum Products, Inc. Plea of guilty. Fine, $100. (F. D. C. No. 15518. Sample No. 15667-F.)

INFORMATION FILED: October 15, 1945, District of Massachusetts, against Gum Products, Inc., Boston, Mass.

ALLEGED SHIPMENT: Between the approximate dates of June 8 and 13, 1944, from the State of Massachusetts into the State of Texas.

LABEL, IN PART: "Yanks Chewing Gum."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hairs, mites, a beetle head, sand, and nondescript vegetable matter; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 2, 1947. A plea of guilty having been entered, the court imposed a fine of $100 against the defendant.

11297. Adulteration of mincemeat. U. S. v. 161 Pails * * *. (F. D. C. No. 20049. Sample No. 25180–H.)

LIBEL FILED: May 29, 1946, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about November 16, 1945, by the Brown Packing Co., from Philadelphia, Pa.

PRODUCT: 161 30-pound pails of mincemeat at New Orleans, La. Examination showed that the article contained maggots, fly eggs, and cast skins.

LABEL, IN PART: "Brown's Pure Mince Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: July 22, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES

11298. Alleged adulteration and misbranding of Nova-Tron capsules, Mina-Vita tablets, and Vita-Health tablets. U. S. v. Harlow B. Boyle and Charles E. Boyle (Boyle & Co.). Pleas of not guilty. Tried to the court. Verdict of not guilty. (F. D. C. No. 20190. Sample Nos. 30656–H, 30667–H, 31389–H.)

INFORMATION FILED: October 15, 1946, Southern District of California, against Harlow B. Boyle and Charles E. Boyle, partners, trading as Boyle & Co., Los Angeles, Calif.

ALLEGED SHIPMENT: On or about December 14, 1945, and January 15 and 23, 1946, from the State of California into the State of Arizona.

LABEL, IN PART: "Nova-Tron Boyle 'Pan-Vitamic' Formula," "Mina-Vita Vitamins and Minerals," or "Vita-Health Vitamins and Minerals."

NATURE OF CHARGE: Nova-Tron capsules, adulteration, Section 402 (b) (1), a valuable constituent of the article, vitamin D, had been in part omitted and abstracted from it since the article purported and was represented to contain in each capsule 1,000 U. S. P. units of vitamin D, whereas the article contained less than that amount. Misbranding, Section 403 (a), the label statements "Each Capsule Contains * * * Vitamin D 1,000 U. S. P. Units * * * Each capsule supplies the following equivalent of minimum adult daily requirements * * * Vitamin D 2½ Times" were false and misleading. The article did not contain in each capsule 1,000 U. S. P. units of vitamin D, and each capsule of the article would not supply 2½ times the daily minimum requirement of vitamin D for adults.

Mina-Vita tablets, adulteration, Section 402 (b) (1), a valuable constituent of the article, vitamin D, had been in part omitted and abstracted from it since two tablets of the article purported and were represented to contain 1,000 U. S. P. units of vitamin D, whereas the article contained less than that amount. Misbranding, Section 403 (a), the label statements "Two Tablets Contain * * * Vitamin D (Irradiated Yeast)—1000 U. S. P. Units 2½ times minimum daily adult need" were false and misleading.

Vita-Health tablets, adulteration, Section 402 (b) (1), a valuable constituent of the article, vitamin A, had been in part omitted and abstracted from it since one light tablet and one dark tablet of the article purported and were represented to contain 5,000 U. S. P. units of vitamin A, whereas one light tablet and one dark tablet of the article contained less than that amount. Misbranding, Section 403 (a), the label statements "One Light Tablet And Dark Tablet Contain: Vitamin A (From Fish Liver Oil)—5000 U. S. P. Units (1¼ times minimum daily requirement)" were false and misleading.

The information contained also charges of adulteration and misbranding of Hormo-Fen Capsules and misbranding of Hormo-Gen Capsules under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2105.

DISPOSITION: February 18, 1947. The defendants having entered pleas of not guilty, the case came on for trial before the court. After consideration of the evidence and arguments of counsel, the court returned a verdict of not guilty and the information was ordered dismissed.

11299. Adulteration and misbranding of Sol-A-Min. U. S. v. Albert Hassman. Motion to dismiss indictment denied. Plea of guilty. Fine, $1,000 and costs. (F. D. C. No. 14285. Sample No. 49067–F.)

INFORMATION FILED: Indictment returned February 13, 1945, Northern District of Ohio, against Albert Hassman, president of Universal Products, Inc., Cleveland, Ohio.

ALLEGED SHIPMENT: On or about February 8, 1944, from the State of Ohio into the State of Indiana.

PRODUCT: Analysis disclosed that the product consisted of organic material and small amounts of compounds containing calcium, phosphorus, iron, and iodine.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamin B and iron, had been in part omitted and abstracted from the article.

Misbranding, Section 403 (a), certain statements on the label of the article and in accompanying leaflets entitled "Every Person Should Know About Sol-A-Min" were false and misleading in that they represented and suggested that one heaping teaspoonful (approximately one-half ounce) would supply one-fourth of the minimum daily adult requirement of vitamin C and three-eighths of the minimum daily adult requirement of iron; that the article would be of value as a source of the nutritional elements present in soya beans, vitamin B_6, and calcium pantothenate; that it would be efficacious to insure good health and normal functioning of the various organs of the body; that it would be efficacious in preventing and correcting night blindness, "xerophthalmania" (disease of the eye), muscular weakness, inflammation of the nerves, paralysis, fatal effusion, skin conditions, indigestion, disturbances of the nervous system, and nutritional anemia; and that it is not feasible to obtain the vitamins and minerals needed in normal nutrition from ordinary foods. The article would be of no consequential value as a source of the nutritional elements present in the stated ingredients, and it would not be efficacious for the purposes represented. Furthermore, it is feasible to obtain the vitamins and minerals needed in normal nutrition from ordinary foods; and 1 heaping teaspoonful of the article (approximately one-half ounce) would not supply one-fourth of the minimum daily adult requirement of vitamin C and three-eighths of the minimum daily adult requirement of iron.

The indictment alleged also that another product, Yuk-Air Compound, was misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2151.

DISPOSITION: March 31, 1947. The defendant's motion to dismiss the indictment having been denied, a plea of guilty was entered and the court imposed a fine of $1,000 and costs.

11300. Misbranding of Pavo Food, Natural B Complex Tablets, Nurex Tablets, Vitamin Minerals Tablets, and Raygo Tablets. U. S. v. 7 Jars, etc. (F. D. C. No. 14661. Sample Nos. 81581–F, 81583–F to 81586–F, incl.)

LIBEL FILED: On or about December 26, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about October 23 and 25, 1944, by the Pavo Co., from Minneapolis, Minn.

PRODUCT: 15 jars of Pavo Food, 9 bottles of Natural B Complex Tablets, 21 bottles of Nurex Tablets, 21 bottles of Vitamin Minerals Tablets, and 65 bottles of Raygo Tablets at Kansas City, Mo., together with a number of circulars entitled "So It's You Again, Is It? A Gray Hair!" and "Are You Below Par?" and a booklet entitled "Pavo Food Special Dietary Basic Food." The Pavo Food was in 16- and 32-ounce jars, and the other products were in 80-, 85-, 185-, 250-, 270-, and 285-tablet-size bottles.

Examination disclosed that the Pavo Food consisted of a powdered mixture of soybean flour, oils, and sugar, calcium, phosphorus, and iron compounds, and traces of magnesium, copper, zinc, and cobalt; that the Natural B Complex Tablets contained vitamin B_1, riboflavin, and niacin; that the Nurex Tablets contained vitamin B_1, calcium, magnesium, iron, sodium, and potassium; that the Vitamin Minerals Tablets contained calcium, phosphorus, and

iron compounds, vitamin C and organic matter, and traces of iodides and copper; and that the Raygo Tablets contained calcium and iron compounds, yeast, and other organic matter.

NATURE OF CHARGE: Pavo Food, misbranding, Section 403 (a), certain statements in the labeling of the article were false and misleading since they represented and suggested that the article, prepared and used as directed, would be appropriate for infant feeding and would supply adequate nourishment for infants; that it was a rich source of protein; that it was effective in maintaining the alkalinity of the body; that it was of tremendous importance as a source of trace mineral elements; that it would be of value to persons who were below par, underweight, anemic, and allergic; and that it would be efficacious in the treatment of excess acidity, stomach distress, headaches, skin eruptions, abscesses or boils, rheumatism, inflammation of the eyes or other organs, catarrh, chills, and fever, and many other ailments. The article would not be appropriate for infant feeding and would not supply adequate nourishment for infants because the volumes specified to be fed were greater than the infant's stomach could accommodate and because the intervals between the feedings specified were too brief for proper gastric processes; it was not a rich source of protein; it was not effective in maintaining the alkalinity of the body; it was not of value as a source of trace minerals; it would not be of value to persons who were below par, underweight, anemic, and allergic; and it would not be efficacious in the treatment of excess acidity, stomach distress, headaches, skin eruptions, and abscesses or boils, and the other disease conditions mentioned.

Natural B Complex Tablets, misbranding, Section 403 (a), certain statements in the labeling of the article were false and misleading since the article would not fulfill the promises of benefit stated and implied thereby. The statements represented and implied that the article would be of value to persons who were below par and always tired, sleepy, and listless; that it would make one feel like a new person; and that it would enable one to live his life in a way to enjoy it.

Nurex Tablets, misbranding, Section 403 (a), certain statements in the labeling of the article were false and misleading since they represented and suggested that the article was of nutritional and therapeutic value because of the presence of sodium, potassium, and magnesium; that it would be of value to ones who were nervous, irritable, despondent, blue, and unable to sleep nights; and that it would relax taut nerves. The article was of no nutritional or therapeutic value by reason of the minerals mentioned, and it would not be effective to fulfill the promises of benefits stated and implied. Section 403 (j), the article was represented as a food for special dietary uses, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of calcium and iron supplied by a specified quantity of the article when consumed during a period of 1 day.

Vitamin Minerals Tablets, misbranding, Section 403 (a), certain statements in the labeling of the article were false and misleading since they represented and suggested that the article would enable persons to keep healthy, young, and beautiful, and to keep their skin, hair, and nails in youthful condition. The article would not fulfill the promises of benefits stated and implied.

Raygo Tablets, misbranding, Section 403 (a), certain statements in the labeling of the article were false and misleading since they represented and suggested that the article would be effective to restore the original color to gray hair. The article would not be effective for such purpose.

The Natural B Complex Tablets, the Nurex Tablets, and the Vitamin Minerals Tablets were alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2155.

DISPOSITION: October 18, 1945. Jack G. Pavo, trading as the Pavo Co., having appeared as claimant and having filed an answer denying that the products were misbranded, and the court having found that the articles were misbranded within the meaning of the law, judgment of condemnation was entered. The products were ordered released under bond to be brought into compliance with the law by relabeling or destruction, as the circumstances might require, under the supervision of the Food and Drug Administration.

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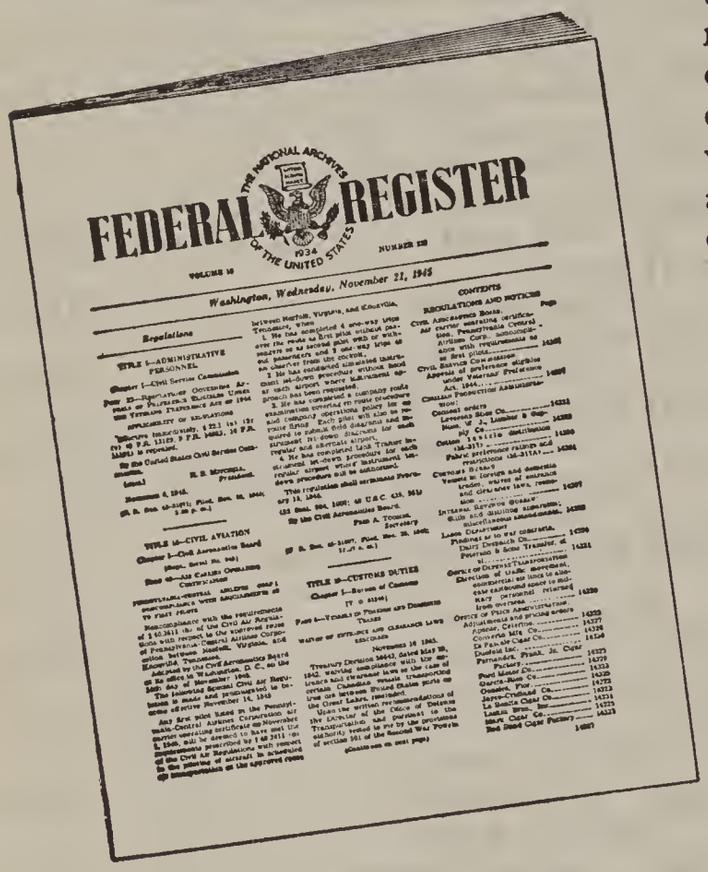
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FEDERAL REGISTER

Official Daily Service


FEDERAL REGISTER

Washington, Wednesday, November 21, 1945

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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

11301–11500

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

OSCAR R. EWING, *Administrator, Federal Security Agency.*

WASHINGTON, *D. C., February 25, 1948.*

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BEVERAGES AND BEVERAGE MATERIALS*

11301. Misbranding of beer. U. S. v. 126 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 20669, 20813, 20837, 21129. Sample Nos. 52754–H, 53053–H, 53058–H, 66944–H.)

LIBELS FILED: August 16 and 19, September 4, and October 2, 1946, Western District of Missouri and Northern District of Ohio.

ALLEGED SHIPMENT: On or about July 27 and August 4, 9, and 20, 1946, by the Indianapolis Brewing Co., Inc., from Indianapolis, Ind.

PRODUCT: Beer. 126 cases at North Kansas City, Mo., 200 cases at Toledo, Ohio, and 926 cases at Port Clinton, Ohio. Each case contained 24 bottles.

LABEL, IN PART: "Contents 12 Fluid Oz. Crown Select Beer."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The bottle contained less than 12 fluid ounces as declared.)

*See also No. 11468.

DISPOSITION: On December 18, 1946, the Gold Medal Distributing Co., North Kansas City, Mo., having appeared as claimant for the 126 cases at North Kansas City, judgment was entered ordering that the product be released to the claimant, conditioned that a portion be delivered to a charitable institution and that the remainder be delivered to the police and fire departments.

On October 31, 1946, the Indianapolis Brewing Co., claimant for the remaining lots, having admitted the allegations in the libels, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be relabeled. On March 17, 1947, the claimant having been unable to comply with the terms of the decrees, amended orders were entered providing for the destruction of the beer and the salvaging of the containers.

11302. Misbranding of beer. U. S. v. 285 Cases * * *. (F. D. C. No. 21128. Sample No. 52753–H.)

LIBEL FILED: October 2, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about August 1, 1946, by the Denmark Brewing Co., from Denmark, Wis.

PRODUCT: 285 cases, each containing 24 bottles, of beer at Port Clinton, Ohio. Examination showed that the product was short-volume.

LABEL, IN PART: "Contents 12 Fluid Oz. 20th Century. Pale Beer."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: October 31, 1946. The Denmark Brewing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

11303. Adulteration and misbranding of grape beverage base. U. S. v. 48 Cases * * *. (F. D. C. No. 20580. Sample No. 8496–H.)

LIBEL FILED: On or about August 12, 1946, District of Connecticut.

ALLEGED SHIPMENT: On or about May 10, 1946, by Katy's Kitchen, from Chicago, Ill.

PRODUCT: 48 cases, each containing 24 jars, of Old Mother Hubbard Sweetened Grape Beverage Base at Hartford, Conn. Analysis showed that the product was an artificially flavored and colored mixture of water, sugar, and acids, containing little or no grape juice.

LABEL, IN PART: "Old Mother Hubbard Sweetened Grape Beverage Base Fortified with Artificial Grape Flavor Contains Sugar Syrup, Grape Juice, Artificial Grape Flavor, Phosphoric Acid, Vegetable Gum, Certified Color, and 1/10 of 1% Benzoate of Soda."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, grape juice, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a), the designation "Sweetened Grape Beverage Base" was false and misleading as applied to an article containing little or no grape juice; and, Section 403 (c), the article was an imitation of another food, i. e., sweetened grape beverage base, and its label failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated.

DISPOSITION: September 20, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

11304. Adulteration and misbranding of grape juice punch. U. S. v. 46 Cases, etc. (and 1 other seizure action). (F. D. C. Nos. 20523, 20524. Sample Nos. 57197–H to 57199–H, incl.)

LIBELS FILED: July 13, 1946, District of New Hampshire.

ALLEGED SHIPMENT: On or about June 18, 1946, by the Fuller Co., from Watertown, Mass.

PRODUCT: 62 cases, each containing 24 1-pint bottles, and 70 cases, each containing 4 1-gallon bottles, of grape juice punch at Manchester, N. H. Analysis

showed that the article was an artifically flavored and colored mixture of water and sugar or sugars, containing added acid or acids. It contained no grape juice, grape juice concentrate, orange, or raspberry.

LABEL, IN PART: "Concord Grape Juice Punch Contains Water, Sugar, Grape Juice Concentrate, Orange, Raspberry, Tartaric Acid, Artificial Color 1/10 of 1% Benzoate of Soda D. A. Perkins, Inc. Cambridge, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, grape juice, grape juice concentrate, orange, and raspberry had been in whole or in part omitted from the article; and, Section 402 (b) (4), artificial flavoring and artificial coloring had been added to the article and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the label statements "Grape Juice Punch * * * Grape Juice Concentrate, Orange, Raspberry * * * use to make * * * jellies" were false and misleading as applied to an article containing no grape juice, grape juice concentrate, orange, or raspberry; and Section 403 (k), the article contained artificial flavoring and failed to bear labeling stating that fact.

DISPOSITION: October 15, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to a public institution.

11305. Misbranding of canned grapefruit juice, U. S. v. 96 Cases * * * (F. D. C. No. 19812. Sample No. 50960–H.)

LIBEL FILED: May 2, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about February 6, 1946, by the E. S. Smith Co., Inc., from Wauchula, Fla.

PRODUCT: 96 cases, each containing 24 18-ounce cans, of grapefruit juice at Duluth, Minn.

LABEL, IN PART: "Vita-Nip Brand Unsweetened Grapefruit Juice * * * Distributed by Florida Fruit Canners * * * Frost Proof Fla., U. S. Grade A (Fancy) Packed Under Continuous Inspection of the U. S. Dept. of Agriculture."

NATURE OF CHARGE: Misbranding, Section 403 (a), the design of two shields on the label and the statements "U. S." and "Packed Under Continuous Inspection of the U. S. Dept. of Agriculture" were misleading as applied to the article, which was not packed under the continuous inspection of the United States Department of Agriculture.

DISPOSITION: September 5, 1946. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

11306. Adulteration of canned orange juice. U. S. v. 398 Cases * * *. (F. D. C. No. 20052. Sample No. 60387–H.)

LIBEL FILED: June 5, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about April 20, 1946, by the E. S. Smith Co., Inc., from Fort Myers, Fla.

PRODUCT: 398 cases, each containing 12 1-quart, 14-fluid-ounce cans, of orange juice at Buffalo, N. Y.

LABEL, IN PART: "Russell's Tree Ripe Orange Juice * * * Packed By Russell & Decker Co. Main Office. Lakeland, Florida."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of maggots, fruit fly eggs, insect fragments, and mold; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 1, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11307. Adulteration of orange drink and ginger ale. U. S. v. Sam Drossner (Holly Beverages). Plea of guilty. Defendant fined $250 and placed on probation for 1 year. (F. D. C. No. 20173. Sample Nos. 4756–H, 4762–H.)

INFORMATION FILED: November 27, 1946, District of New Jersey, against Sam Drossner, trading as Holly Beverages, Mount Holly, N. J.

ALLEGED SHIPMENT: On or about July 31 and August 4, 1945, from the State of New Jersey into the State of Pennsylvania.

LABEL, IN PART: "Orange Drink," "Holly Beverages," "A wholesome Beverage * * * Wenner Beverages Allentown, Pa.," or "Ginger Ale * * * Wenner Beverages."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent of the articles, sugar, had been in part omitted from them; Section 402 (b) (2), carbonated beverages sweetened in part with saccharin had been substituted wholly for carbonated beverages sweetened with sugar; and, Section 402 (b) (4), saccharin, a substance having no food value, had been added to the articles and mixed and packed with them so as to reduce their quality.

DISPOSITION: January 13, 1946. A plea of guilty having been entered, the court imposed a fine of $250 and placed the defendant on probation for a period of 1 year.

11308. Adulteration of canned orange juice. U. S. v. 345 Cases * * *. (F. D. C. No. 20540. Sample Nos. 5333–H, 5334–H.)

LIBEL FILED: July 15, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 27, 1946, by Waldorf Food Products, per W. H. Cain and Co., from Savannah, Ga.

PRODUCT: 345 cases, each containing 6 3-quart cans, of orange juice at Philadelphia, Pa. Examination showed that the inside surface of the cans was badly corroded and that the product had a strong metallic and astringent taste.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of chemical interaction of the juice with the metal container, and was unfit for food by reason of its strong metallic and astringent taste, making the product unpalatable.

DISPOSITION: August 14, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11309. Misbranding of concentrated orange juice. U. S. v. 94 Cases * * *. (F. D. C. No. 20064. Sample No. 59299–H.)

LIBEL FILED: June 18, 1946, District of Oregon.

ALLEGED SHIPMENT: On or about March 30, 1946, by the H-M Canning Co., from Santa Ana, Calif.

PRODUCT: 94 cases, each containing 24 cans, of concentrated orange juice at Portland, Oreg. The product was found to be short-volume.

LABEL, IN PART: (Cans) "Sunfilled Brand Pure Concentrated California Orange Juice Contents 18 Fl. Oz. Distributed by Citrus Concentrates, Inc., Dunedin, Fla."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents.

DISPOSITION: July 8, 1946. Citrus Concentrates, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was relabeled.

11310. Adulteration of tomato juice. U. S. v. 954 Cases * * *. (F. D. C. No. 19856. Sample No. 25681–H.)

LIBEL FILED: May 14, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about November 12, 1945, by the Hollister Canning Co., from Hollister, Calif.

PRODUCT: 954 cases, each containing 6 3-quart cans, of tomato juice at Denver, Colo.

LABEL, IN PART: "Hollister Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: May 28, 1946. The Hollister Canning Co. having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

11311. Adulteration of root beer sirup. U. S. v. 56 Cases * * *. (F. D. C. No. 20607. Sample No. 52458–H.)

LIBEL FILED: August 6, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about April 17 and 23, 1946, by the American Cola Co., from Chicago, Ill.

PRODUCT: 56 cases, each containing 4 1-gallon bottles, of root beer sirup at Cincinnati, Ohio.

LABEL, IN PART: "Vic-Roo Root Beer Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, sugar, had been in part omitted from the article; Section 402 (b) (2), an article containing saccharin had been substituted in whole or in part for root beer sirup containing sugar; and, Section 402 (b) (4), saccharin had been mixed and packed with the article so as to reduce its quality or strength and make it appear better and of greater value than it actually was.

DISPOSITION: September 4, 1946. Default decree of condemnation and destruction.

11312. Adulteration of Vic-Cola (beverage concentrate). U. S. v. 10 Barrels * * *. (F. D. C. No. 20369. Sample No. 52457–H.)

LIBEL FILED: August 1, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about May 31, 1946, by the American Cola Co., from Chicago, Ill.

PRODUCT: 10 52-gallon barrels of Vic-Cola beverage concentrate at Cincinnati, Ohio.

LABEL, IN PART: "Vic-Cola The Complete Concentrate."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, sugar, had been in part omitted from the article; Section 402 (b) (2), an article containing saccharin had been substituted in whole or in part for a beverage concentrate containing cane sugar; and, Section 402 (b) (4), saccharin had been mixed and packed with the article so as to reduce its quality or strength and make it appear better and of greater value than it was.

DISPOSITION: November 26, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11313. Misbranding of Bevco Stabilizer. U. S. v. 52 Bottles * * *. (F. D. C. No. 21088. Sample No. 54408–H.)

LIBEL FILED: On or about October 3, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about March 21 and June 4, 1946, by Chandler Laboratories, from Philadelphia, Pa.

PRODUCT: 52 1-gallon bottles of Bevco Stabilizer at Atlanta, Ga.

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling of the article was misleading since the statements "Bevco Stabilizer For All Beverages * * * Use ½-ounce to each gallon of bottling syrup or to 6 gallons of finished drink or beverage" represented to purchasers of the article that it was wholesome and suitable for use as a component of beverages for man. The article contained per 100 cc. about 0.46 gram of quaternary ammonium compound, a poisonous and deleterious substance, and the labeling failed to reveal this material fact.

DISPOSITION: November 13, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

11314. Adulteration of bread. U. S. v. John Olen Elliott (Aunt Betty Baking Company). Plea of guilty. Fine of $200 on count 1; sentence of 6 months in jail on count 2 suspended and defendant placed on probation for a period of 3 years. (F. D. C. No. 20447. Sample Nos. 25097–H, 25098–H.)

INFORMATION FILED: On or about July 18, 1946, Eastern District of Texas, against John Olen Elliott, trading as the Aunt Betty Baking Co., Texarkana, Tex.

ALLEGED SHIPMENT: On or about February 26, 1946, from the State of Texas into the State of Arkansas.

LABEL, IN PART: "Elliott's Fresh Bread Enriched for Better Nutrition."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, an insect, and insect fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 20, 1947. A plea of guilty having been entered by the defendant, the court imposed a fine of $200 on count 1 and sentenced the defendant to 6 months in jail on count 2. The sentence on count 2 was suspended, and the defendant was placed on probation for a period of 3 years.

11315. Adulteration of bread. U. S. v. Hathaway Bakeries, Inc. Plea of guilty. Fine, $750 and costs. (F. D. C. No. 20457. Sample Nos. 59727–H to 59729–H, incl.)

INFORMATION FILED: July 18, 1946, Northern District of Ohio, against the Hathaway Bakeries, Inc., Youngstown, Ohio.

ALLEGED SHIPMENT: On or about February 7, 1946, from the State of Ohio into the State of Pennsylvania.

LABEL, IN PART: "Enriched Guest Bread," "White and Potato Bread Enriched," or "Hathaway's Cracked Wheat Bread."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 2, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $250 on each of the 3 counts, a total fine of $750 and costs.

11316. Adulteration of cookies. U. S. v. United Biscuit Co. of America (Manchester Biscuit Co., Div. of United Biscuit Co. of America). Plea of guilty. Fine, $1,000. (F. D. C. No. 20435. Sample No. 19303–H.)

INFORMATION FILED: July 2, 1946, District of South Dakota, against the United Biscuit Co. of America, trading at Sioux Falls, S. Dak., under the name of Manchester Biscuit Co., Div. of United Biscuit Co. of America.

ALLEGED SHIPMENT: Between the approximate dates of January 4 and January 12, 1946, from the State of South Dakota into the State of Iowa.

LABEL, IN PART: "Skippy."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 21, 1946. A plea of guilty having been entered, the court imposed a fine of $1,000.

11317. Adulteration of cookies. U. S. v. 272 Cases, etc. (F. D. C. No. 21113. Sample Nos. 52003–H, 52004–H.)

LIBEL FILED: September 28, 1946, Northern District of Iowa.

ALLEGED SHIPMENT: On or about November 12, 1945, and February 7, 1946, by Thomas & Clarke, from Peoria, Ill.

PRODUCT: 272 cases, each containing 21 pounds, of Short-Bread, 78 cases, each containing 15 pounds, of Choc Bon-Bon Mellows, and 294 cases, each containing 20 pounds, of Oatmeal Squares, at Cedar Falls, Iowa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole of in part of filthy substances by reason of the presence of live insects and webbing.

DISPOSITION: October 22, 1946. Diamond Brothers, Cedar Falls, Iowa, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond to be converted into stock feed, under the supervision of the Federal Security Agency.

11318. Misbranding of fruit cake. U. S. v. 1,306 Cases * * *. (F. D. C. No 20737. Sample No. 57062–H.)

LIBEL FILED: August 19, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about September 13, 18, 20, and 21, and October 1, 1945, by the Affiliated Bakers Co., from Paterson, N. J.

PRODUCT: 1,306 cases each containing 6 fruit cakes at Boston, Mass. Examination showed that the product was a fruit-type cake, with no taste or odor of rum or brandy.

LABEL, IN PART: "Joe and Jane Rum and Brandy Fruit Cake."

NATURE OF CHARGE: Misbranding, Section 403 (a), the vignette on the label showing liquid pouring over a fruit cake from the spigot of a barrel and the label statements, "Rum and Brandy Fruit Cake" and "Generous Flagons of Fine Imported Rum and Brandy are Used" were false and misleading as applied to a fruit-type cake with no taste or odor of rum or brandy and containing little, if any, rum or brandy.

DISPOSITION: November 13, 1947. Kenmore Square Garage, Inc., Boston, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

CORN MEAL

11319. Adulteration of corn meal. U. S. v. Alabama Feed Mills and Robert E. Winstead. Plea of nolo contendere. Fine, $100. (F. D. C. No. 20461. Sample No. 49244–H.)

INFORMATION FILED: August 7, 1946, Northern District of Alabama, against the Alabama Feed Mills, a partnership, and Robert E. Winstead, partner and plant manager, Tuscaloosa, Ala.

ALLEGED SHIPMENT: On or about March 19, 1946, from the State of Alabama into the State of Mississippi.

LABEL, IN PART: "Bama Tuscaloosa Unbolted Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent excreta fragments and rodent hairs.

DISPOSITION: August 23, 1946. A plea of nolo contendere having been entered on behalf of both defendants, the court imposed a fine of $100.

11320. Adulteration of corn meal. U. S. v. 21 Bales * * *. (F. D. C. No. 21106 Sample No. 52005–H.)

LIBEL FILED: September 26, 1946, Northern District of Iowa.

ALLEGED SHIPMENT: On or about October 16, 1945, by Crete Mills, from Crete, Nebr.

PRODUCT: 21 bales, each containing 10 5-pound bags, of yellow corn meal at Cedar Falls, Iowa.

LABEL, IN PART: "Victor Yellow Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of live larvae and webbing.

DISPOSITION: October 22, 1946. Diamond Brothers, Cedar Falls, Iowa, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be converted into stock feed, under the supervision of the Federal Security Agency.

11321. Adulteration of corn meal. U. S. v. 402 Bags * * *. (F. D. C. No. 20660. Sample No. 53274–H.)

LIBEL FILED: August 16, 1946, Eastern District of Tennessee.

ALLEGED SHIPMENT: On or about July 20 and 26, 1946, by Roy Wilkes, from Henager, Ala.

PRODUCT: 342 10-pound bags and 60 5-pound bags of corn meal at Chattanooga, Tenn.

LABEL, IN PART: "Baird's Squirrel Bolted Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta fragments.

DISPOSITION: October 11, 1946. Roy Wilkes having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be converted into animal feed.

11322. Adulteration of corn meal. U. S. v. 33 Bags * * *. (F. D. C. No. 20704. Sample No. 1538–H.)

LIBEL FILED: On or about August 13, 1946, Northern District of Florida.

ALLEGED SHIPMENT: On or about July 13, 1946, by E. L. Norton, from Pelham, Ga.

PRODUCT: 16 10-pound bags and 17 100-pound bags of corn meal at Tallahassee, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta fragments, rodent hairs, and insect fragments.

DISPOSITION: January 2, 1947. The Tallahassee Grocery Co., Tallahassee, Fla., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be denatured and used for stock feed, under the supervision of the Food and Drug Administration.

11323. Adulteration of corn meal. U. S. v. 342 Bags * * *. (F. D. C. No. 20705. Sample No. 1537–H.)

LIBEL FILED: August 13, 1946, Northern District of Florida.

ALLEGED SHIPMENT: On or about July 15, 1946, by T. L. Barr, from Carrollton, Ga.

PRODUCT: 342 12-pound bags of corn meal at Tallahassee, Fla.

LABEL, IN PART: "Fresh Country Corn Meal Ground Lewis W. Akin Carrollton, Ga."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta fragments, rodent hairs, and insect fragments.

DISPOSITION: January 2, 1947. The Tallahassee Grocery Co., Tallahassee, Fla., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be denatured for use as animal feed, under the supervision of the Food and Drug Administration.

FLOUR

11324. Adulteration of rye flour. U. S. v. 25 Bags * * *. (F. D. C. No. 20661. Sample No. 52967–H.)

LIBEL FILED: August 16, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about May 22 and June 18, 1946, by General Mills, from Minneapolis, Minn.

PRODUCT: 25 100-pound bags of dark rye flour at Lima, Ohio.

LABEL, IN PART: "Renz Special Dark Rye."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: October 18, 1946. Default decree of condemnation and destruction.

11325. Adulteration of whole wheat flour. U. S. v. 70 Bags * * *. (F. D. C. No. 20577. Sample No. 1532–H.)

LIBEL FILED: On or about August 1, 1946, Northern District of Florida.

ALLEGED SHIPMENT: On or about March 22 and April 16, 1946, by Pillsbury Mills, Inc., from Memphis, Tenn.

PRODUCT: 70 100-pound bags of whole wheat flour at Apalachicola, Fla.

LABEL, IN PART: "Pillsbury's King Strength Whole Wheat Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in

whole or in part of a filthy substance by reason of the presence of insects and insect parts.

DISPOSITION: April 7, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution, for use as hog feed.

11326. Adulteration of pastry flour. U. S. v. 10 Bags * * *. (F. D. C. No. 20727. Sample No. 1669–H.)

LIBEL FILED: August 20, 1946, Western District of North Carolina.

ALLEGED SHIPMENT: On or about March 20, 1946, by the Russell-Miller Milling Co., from St. Louis, Mo.

PRODUCT: 10 100-pound bags of cake flour at Monroe, N. C.

LABEL, IN PART: "Cake Flour 100 lbs. Bromated Bleached."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: September 27, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11327. Adulteration of pastry flour. U. S. v. 10 Bags * * *. (F. D. C. No. 20728. Sample No. 1670–H.)

LIBEL FILED: August 20, 1946, Western District of North Carolina.

ALLEGED SHIPMENT: May 23, 1946, by the Watson Flour Co., from Long Island City, N. Y.

PRODUCT: 10 100-pound bags of doughnut flour at Monroe, N. C.

LABEL, IN PART: "Prepared Doughnut Flours."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: September 27, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11328. Adulteration and misbranding of enriched flour. U. S. v. 179 Bags * * *. (F. D. C. No. 20610. Sample No. 49832–H.)

LIBEL FILED: August 9, 1946, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about July 5, 1946, by Bewley Mills, from Fort Worth, Tex.

PRODUCT: 179 5-pound bags of enriched flour at New Orleans, La.

LABEL, IN PART: "Bewley's Hard Wheat Enriched Flour Bleached."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, thiamine (vitamin B_1) and iron, had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for enriched flour since it contained less thiamine (vitamin B_1) and less iron, per pound, than that provided by the standard.

DISPOSITION: September 9, 1946. Default decree of condemnation and destruction.

11329. Adulteration and misbranding of enriched flour. U. S. v. 105 Bags * * *. (F. D. C. No. 20418. Sample No. 40672–H.)

LIBEL FILED: July 18, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 12, 1946, by the Abilene Flour Mills Co., from Abilene, Kans.

PRODUCT: 105 50-pound bags of enriched flour at St. Louis, Mo. The flour contained less than 1.60 milligrams of vitamin B_1 and less than 11.7 milligrams of iron per pound.

LABEL, IN PART: "Vitamin Enriched Bleached Flour Topmost Brand."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, thiamine (vitamin B_1) and iron, had been omitted from the product.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for enriched flour, which definition and standard requires that the article shall contain in each pound not less than 2.0 milligrams of thiamine (vitamin B_1) and not less than 13.0 milligrams of iron.

DISPOSITION: August 12, 1946. The General Grocer Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the

product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

MACARONI AND NOODLE PRODUCTS

11330. Adulteration of macaroni products. U. S. v. Golden Grain Macaroni Co., a corporation, and Paskey Dedomenico. Pleas of guilty. Corporation fined $750 and costs; individual defendant fined $100. (F. D. C. No. 20471. Sample No. 29190–H.)

INFORMATION FILED: October 16, 1946, Western District of Washington, against the Golden Grain Macaroni Co., Seattle, Wash., and Paskey Dedomenico, president.

ALLEGED SHIPMENT: On or about December 15, 1945, from the State of Washington into the State of California.

LABEL, IN PART: "Golden Grain Elbow Macaroni [or "Salad Macaroni," or "Twistee Noodles"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the articles had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: March 14, 1947. Pleas of guilty having been entered, the court imposed a fine of $750 and costs against the corporation and a fine of $100 against the individual defendant.

11331. Adulteration of egg noodles. U. S. v. 139 Cases * * *. (F. D. C. No. 20381. Sample No. 51230–H.)

LIBEL FILED: July 6, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about April 20, 1946, by the Chicago Macaroni Co., from Chicago, Ill.

PRODUCT: 139 cases, each containing 12 1-pound packages, of egg noodles at Virginia, Minn.

LABEL, IN PART: "Cyrilla Brand Pure Egg Noodles."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 11, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered denatured and disposed of as animal feed, under the supervision of the Food and Drug Administration; otherwise, the product was to be destroyed.

11332. Misbranding of spaghetti. U. S. v. 150 Cases * * *. (F. D. C. No. 20561. Sample No. 1272–H.)

LIBEL FILED: July 26, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about March 12, 1946, by the Kentucky Macaroni Co., Inc., from Louisville, Ky.

PRODUCT: 150 cases, each containing 24 6-ounce packages, of spaghetti at Atlanta, Ga.

LABEL, IN PART: "Red Label Brand Spaghetti."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container of the article was so filled as to be misleading since the spaghetti occupied less than half the volume of the package.

DISPOSITION: September 16, 1946. The Joe Seitz Wholesale Grocery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for repacking and relabeling under the supervision of the Food and Drug Administration.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

11333. Adulteration of brewers flakes. U. S. v. 190 Bags * * *. (F. D. C. No. 20392. Sample No. 45681–H.)

LIBEL FILED: July 12, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about February 23 and March 16, 1946, from Omaha, Nebr.

PRODUCT: 190 75-pound bags of brewers flakes at Red Bluff, Calif., in possession of the U. S. Brewing Corp. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the product contained rodent pellets.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 7, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11334. Adulteration of hops. U. S. v. 360 Bales * * *. (F. D. C. No. 20428. Sample No. 48232–H.)

LIBEL FILED: July 30, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about October 2, 11, and 15, and November 17, 1945, by John I. Haas, Inc., from Buena and Toppenish, Wash.

PRODUCT: 360 200-pound bales of hops at Golden, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of aphids.

DISPOSITION: October 3, 1946. The Adolph Coors Co., Golden, Colo., and John I. Haas, Inc., Washington, D. C., claimants, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for the segregation of the fit portion, under the supervision of the Food and Drug Administration.

11335. Adulteration of farina and popcorn. U. S. v. 44 Bags, etc. (F. D. C. No. 21115. Sample Nos. 19387–H, 19388–H.)

LIBELS FILED: September 28, 1946, Northern District of Iowa.

ALLEGED SHIPMENT: On or about November 21, 1945, and March 2, 1946, from Humboldt, Nebr., and Atchison, Kans.

PRODUCT: 44 50-pound bags of farina and 100 100-pound bags of popcorn at Cedar Falls, Iowa, in possession of Diamond Brothers. The articles were stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and live insects and rodent excreta were observed on them. Examination showed that the farina contained live insects and webbing and that the popcorn contained live insects and rodent excreta.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: October 22, 1946. Diamond Brothers, claimant, having consented to the entry of decrees, judgments of condemnation were entered and the products were ordered released under bond for conversion into stock feed, under the supervision of the Federal Security Agency.

11336. Adulteration of popcorn. U. S. v. 15 Bags * * *. (F. D. C. No. 21144. Sample No. 23596–H.)

LIBEL FILED: October 2, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 4, 1945, by the J. A. McCarty Seed Co., from Evansville, Ind.

PRODUCT: 15 bags of popcorn at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, and insect fragments.

DISPOSITION: October 25, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to be denatured, as directed by the Federal Security Agency, so that it could not be disposed of for human consumption.

11337. Adulteration of shelled popcorn. U. S. v. 7 Barrels, etc. (and 3 other seizure actions). (F. D. C. Nos. 20658, 20659, 21869, 22336. Sample Nos. 19784–H, 47734–H, 50994–H, 72490–H.)

LIBELS FILED: August 14 and December 19, 1946, and January 8, 1947, Western District of Wisconsin and District of Colorado.

ALLEGED SHIPMENT: On or about September 5, 1945, and between the approximate dates of January 4 and July 5, 1946, by the Central Popcorn Co., from Schaller, Iowa, and Minneapolis, Minn.

PRODUCT: Shelled popcorn. 7 600-pound barrels and 26 100-pound bags at Stevens Point, 5 100-pound bags at Eau Claire, Wis., and 387 100-pound bags and 44 100-pound bags at Denver, Colo.

LABEL, IN PART: (Portion) "South American Shelled Popcorn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.

DISPOSITION: On September 4, 1946, and January 6, 9, and 30, 1947, Gladys R. Mickey, Stevens Point, Wis., appeared as claimant for the Stevens Point lot, and Cooper Foundation, Lincoln, Nebr., and the Atlas Theater Corp., Denver, Colo., appeared as claimants for the Denver lots. No claimant having appeared for the Eau Claire lot, and the claimants for the other lots having consented to the entry of decrees, judgments of condemnation were entered. It was ordered that the Eau Claire lot be delivered to a public institution, for use as animal feed, and that the other three lots be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

11338. Adulteration of rice. U. S. v. 212 Bags * * *. (F. D. C. No. 20621. Sample No. 47723–H.)

LIBEL FILED: August 13, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about October 4, 1945, by Hills Farms, from Dos Palos, Calif.

PRODUCT: 212 100-pound bags of rice at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, rodent pellets, and rodent hairs.

DISPOSITION: On September 6, 1946, The Denver Brewing Co., Denver, Colo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for cleaning to facilitate the removal of all filth, under the supervision of the Food and Drug Administration.

On December 16, 1946, an amended decree was entered ordering the product sold for use as animal feed.

11339. Adulteration of wheat. U. S. v. 90,530 Pounds * * *. (F. D. C. No. 20374. Sample No. 56462–H.)

LIBEL FILED: On or about July 11, 1946, Western District of Missouri.

ALLEGED SHIPMENT: On or about June 18, 1946, by General Mills, Inc., from Wichita, Kans.

PRODUCT: 90,530 pounds of wheat at Kansas City, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of being contaminated with ferric ferrocyanide (Prussian blue).

DISPOSITION: July 15, 1946. The Atchison, Topeka and Santa Fe Railway Co. having appeared as claimant, judgment was entered ordering that the product be delivered to the claimant to be sold by it, under the supervision of the Food and Drug Administration. The product was subsequently reconditioned and mixed with other ingredients for manufacture into animal feed.

CHOCOLATE, SUGAR, AND RELATED PRODUCTS

CANDY

11340. Adulteration of candy. U. S. v. The D. L. Clark Co. and Harold S. Clark. Pleas of nolo contendere. Fines of $1,000 and costs against corporate defendant and $1.00 and costs against individual defendant. (F. D. C. No. 20454. Sample Nos. 9804–H to 9806–H, incl., 10378–H, 10381–H.)

INFORMATION FILED: July 30, 1946, Western District of Pennsylvania, against the D. L. Clark Co., a corporation, Pittsburgh, Pa., and Harold S. Clark, president.

ALLEGED SHIPMENT: Between the approximate dates of October 18 and November 13, 1945, from the State of Pennsylvania into the States of New York, Ohio, and West Virginia.

LABEL, IN PART: "World's Greatest 5¢ Candy Bar Clark 5¢ Eclipses All!" or "Clark's Winkers."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, rodent hairs, rodent hair fragments, and cat hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 16, 1946. Pleas of nolo contendere having been filed on behalf of both defendants, the court imposed fines of $1,000 and costs against the corporate defendant and $1.00 and costs against the individual defendant.

11341. Adulteration of candy. U. S. v. Congress Candy Co. and Armin F. Rohde. Pleas of guilty. Defendants fined $500 each and placed on probation for a period of 1 year. (F. D. C. No. 20448. Sample Nos. 51148–H, 51149–H.)

INFORMATION FILED: July 12, 1946, District of North Dakota, against the Congress Candy Co., a partnership, Grand Forks, N. Dak., and Armin F. Rohde, manager.

ALLEGED SHIPMENT: On or about April 17, 1946, from the State of North Dakota into the State of Minnesota.

LABEL, IN PART: "Salted Nut Roll," or "Long-Tom."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect excreta, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 4, 1946. Pleas of guilty having been entered on behalf of the defendants, the court imposed a fine of $500 against each defendant on count 1 and placed them both on probation for a period of 1 year on count 2.

11342. Adulteration of candy. U. S. v. Joe D. Lunsford and James R. Chumney (Jay Dee Candy Co.). Pleas of nolo contendere. Fines of $250 against each individual defendant. (F. D. C. No. 20446. Sample Nos. 25207–H, 25208–H, 28899–H.)

INFORMATION FILED: January 23, 1947, Northern District of Texas, against Joe D. Lunsford and James R. Chumney, copartners, trading as the Jay Dee Candy Co., Dallas, Tex.

ALLEGED SHIPMENT: On or about August 20 and October 3, 1945, from the State of Texas into the States of Louisiana and Washington.

LABEL, IN PART: "A Sweet Surprise 5¢ Carmel-Nut Candy," "5¢ Honey Chile," or "Cap'n Billy 5¢ Spanish Nougat Bar."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insects, insect fragments, and rat or mouse hair; and, Section 402 (a) (4), (*Sweet Surprise* and *Honey Chile* candy) the articles had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: January 29, 1947. Pleas of nolo contendere having been entered, the court imposed fines of $250 against each of the defendants.

11343. Adulteration of candy. U. S. v. Louis Peters (Peters Icing Flower Co.). Plea of guilty. Fine, $900 and costs. (F. D. C. No. 20440. Sample Nos. 13788–H, 13789–H, 59705–H.)

INFORMATION FILED: August 22, 1946, Northern District of Ohio, against Louis Peters, trading as the Peters Icing Flower Co., Canton, Ohio.

ALLEGED SHIPMENT: On or about October 26 and November 1 and 3, 1945, from the State of Ohio into the States of West Virginia and Pennsylvania.

LABEL, IN PART: "Medallion Assorted Chocolate Package," or "Medallion Package Fancy Assorted Chocolates."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, insect fragments, and larvae; and, Section 402 (a) (4), it had been

prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 22, 1946. The defendant having entered a plea of guilty, the court imposed a fine of $300 on each count, a total fine of $900, plus costs.

11344. Adulteration of candy. U. S. v. 1,008 Boxes * * * (and 1 other seizure action). (F. D. C. Nos. 20675 to 20677, incl. Sample Nos. 19358–H, 19359–H, 19781–H.)

LIBELS FILED: August 17 and 19, 1946, Northern District of Iowa and Western District of Wisconsin.

ALLEGED SHIPMENT: July 29 and 30, 1946, by the DeLuxe Candy Co., from Minneapolis, Minn.

PRODUCT: Candy bars. 1,008 boxes at Marshfield, Wis., and 200 boxes at Waterloo, Iowa. Each box contained 24 1¼-ounce candy bars.

LABEL, IN PART: "Luxy Bar."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 17, 1946, and Jaunary 9, 1947. No claimant having appeared, judgments of condemnation were entered. It was ordered that the Marshfield lot be delivered to a public institution, for use as animal feed, and that the two Waterloo lots be destroyed.

11345. Adulteration of candy. U. S. v. 232 Boxes * * * (and 2 other seizure actions). (F. D. C. Nos. 21105, 21140, 21183. Sample Nos. 67233–H, 67235–H, 67239–H.)

LIBELS FILED: September 30 and October 3 and 14, 1946, District of Nebraska.

ALLEGED SHIPMENT: On or about August 30 and September 3, 1946, by the Western Candy Co., from Clinton, Okla.

PRODUCT: Candy bars. 232 boxes at Omaha, 162 boxes at Fremont, and 305 boxes at Columbus, Nebr. Each box contained 24 candy bars.

LABEL, IN PART: "Ann's Toasted Coconut Bar."

NATURE OF CHARGE: Adulteration, Section 402 (d), the article was confectionery and contained a nonnutritive substance, mineral oil.

DISPOSITION: December 11, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

11346. Adulteration of candy. U. S. v. 14 Cases * * *. (F. D. C. No. 20630. Sample No. 53041–H.)

LIBEL FILED: August 8, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about April 10, 1946, by the West Specialty Co., from Chicago, Ill.

PRODUCT: 14 cases, each containing 48 bars, of candy at Akron, Ohio.

LABEL, IN PART: "West Creamy Fudge."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: November 13, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11347. Adulteration of candy bars. U. S. v. 453 Boxes * * *. (F. D. C. No. 21120. Sample No. 61439–H.)

LIBEL FILED: October 1, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about July 18, 1946, by the Casebolt Biscuit Co., from Fort Worth, Tex.

PRODUCT: 453 boxes, each containing 16 candy bars at Seattle, Wash.

LABEL, IN PART: "Little Lambs Eat Candy—Wouldn't You."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of live larvae, webbing, and insect excreta.

DISPOSITION: December 31, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11348. Adulteration of chocolate nut fudge. U. S. v. 8 Packages * * *. (F. D. C. No. 20609. Sample No. 1766–H.)

LIBEL FILED: August 7, 1946, Eastern District of Tennessee.

ALLEGED SHIPMENT: On or about July 22, 1946, by United Food Brokers, from Atlanta, Ga.

PRODUCT: 8 packages, containing a total of 400 pounds, of chocolate nut fudge at Cleveland, Tenn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under unsanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11349. Misbranding of candy. U. S. v. 7 Cases * * *. (F. D. C. No. 20401. Sample No. 1274–H.)

LIBEL FILED: July 11, 1946, Middle District of Georgia.

ALLEGED SHIPMENT: On or about June 18, 1946, by the Bob Hofeller Products Co., from Chicago, Ill.

PRODUCT: 7 cases, each containing 550 1-ounce packages, of candy at Moultrie, Ga. The article was short-weight, and each package contained 4 paper-wrapped pieces of candy which occupied less than one-half of the capacity of the package.

LABEL, IN PART: "Star Wrapped Confection Minimum Net Weight One Ounce."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container of the article was so filled as to be misleading since the candy occupied only about one-half of the capacity of the packages; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: September 28, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

11350. Misbranding of lemon drops. U. S. v. 12 Cases * * *. (F. D. C. No. 20508. Sample No. 63551–H.)

LIBEL FILED: July 11, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about May 10, 1946, by Huyler's, Inc., from Long Island City, N. Y.

PRODUCT: 12 cases, each containing 36 1-pound tins, of Huyler's lemon drops at North Bergen, N. J. The tins contained an average of 75 pieces of candy.

NATURE OF CHARGE: Misbranding, Section 403 (d), the container of the article was so filled as to be misleading since approximately 16 additional pieces of candy could have been placed in the tin container.

DISPOSITION: September 24, 1946. Huyler's, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for repacking under the supervision of the Food and Drug Administration.

11351. Misbranding of peanut crunch. U. S. v. 112 Cans * * *. (F. D. C. No. 20608. Sample No. 50795–H.)

LIBEL FILED: August 2, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about June 4, 1946, by the Moss Brothers Nut Co., from Philadelphia, Pa.

PRODUCT: 112 cans of peanut crunch at Minneapolis, Minn. Examination showed that the product was short-weight.

LABEL, IN PART: "Chunk-E-Nut Brand Old Fashioned Peanut Crunch Delicious Candy Treat Net Weight One Pound."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2) the label of the article failed to contain an accurate statement of the quantity of the contents.

DISPOSITION: January 9, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable organization, for food purposes.

CHOCOLATE AND CHOCOLATE PRODUCTS

11352. Adulteration of chocolate. U. S. v. 3 Bags * * *. (F. D. C. No. 20628. Sample No. 49686–H.)

LIBEL FILED: August 9, 1946, Southern District of Texas.

ALLEGED SHIPMENT: On or about June 12, 1946, by Blumenthal Brothers, from Philadelphia, Pa.

PRODUCT: 3 bags, each containing 18 10-pound slabs, of chocolate at Houston, Tex.

LABEL, IN PART: "Fehr Baking Co. Houston, Texas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: October 14, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11353. Adulteration of chocolate coating. U. S. v. 5 Bales * * *. (F. D. C. No. 20596. Sample No. 52678–H.)

LIBEL FILED: July 31, 1946, Southern District of Indiana.

ALLEGED SHIPMENT: On or about October 3, 1945, from Buffalo, N. Y.

PRODUCT: 5 bales, each containing 200 pounds, of chocolate coating at Indianapolis, Ind., in possession of the Indianapolis Warehouse & Storage Co. The article was stored under insanitary conditions after shipment. Some of the bales were rodent-gnawed, and rodent excreta was observed on them. Examination showed that the article had been gnawed by rodents.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 5, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

11354. Adulteration of chocolate liquor. U. S. v. 16 Bags * * *. (F. D. C. No. 21117. Sample No. 53083–H.)

LIBEL FILED: September 27, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about December 10, 1945, by the Bachman Chocolate Mfg. Co., from Mt. Joy, Pa.

PRODUCT: 16 200-pound bags of chocolate liquor at Cleveland, Ohio.

LABEL, IN PART: "Bachman Chocolate Coatings and Liquors."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of insect infestation.

DISPOSITION: October 17, 1946. The Cleveland Fruit Juice Co., claimant, having admitted the facts set forth in the libel, judgment of condemnation was entered and the product was ordered released under bond to be cleaned and the unfit portion to be destroyed, under the supervision of the Food and Drug Administration.

SIRUP AND SUGAR

11355. Adulteration of maltose sirup. U. S. v. 29 Drums * * *. (F. D. C. No. 20583. Sample No. 63928–H.)

LIBEL FILED: August 2, 1946, Eastern District of New York.

ALLEGED SHIPMENT: On or about May 20, 1946, by Desendorf, Inc., from Newark, N. J.

PRODUCT: 29 650-pound drums of maltose sirup at Brooklyn, N. Y. Examination showed that the product was in an active state of fermentation.

LABEL, IN PART: "Maltose Syrup * * * Illinois Syrup Co. Brooklyn, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 17, 1946. The Waverly Sales Corp., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

11356. Adulteration and misbranding of maple sirup. U. S. v. 74 Cases * * *. (F. D. C. No. 20522. Sample No. 42846–H.)

LIBEL FILED: July 15, 1946, Western District of Virginia.

ALLEGED SHIPMENT: On or about May 20, 1946, by Zall and Levinson, from Newark, N. J.

PRODUCT: 74 cases, each containing 4 1-gallon jars, of maple sirup at Hot Springs, Va.

LABEL, IN PART: "Vermont Maple Syrup Pure."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, maple sirup, had been in whole or in part omitted from the article; Section 402 (b) (2), an artificially flavored and colored sugar sirup containing little, if any, maple sirup had been substituted in whole or in part for maple sirup; Section 402 (b) (3), inferiority had been concealed by the addition of artificial flavoring and coloring; and, Section 402 (b) (4), artificial flavoring and coloring had been added to the article and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the label statement "Vermont Maple Syrup Pure" was false and misleading; Section 403 (e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (i) (2), the label failed to bear the common or usual name of each ingredient; and, Section 403 (k), the article contained artificial flavoring, artificial coloring, and a chemical preservative, and it failed to bear labeling stating that fact.

DISPOSITION: September 21, 1946. Virginia Hot Springs, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled to conform with the law, under the supervision of the Federal Security Agency.

11357. Adulteration of maple sirup. U. S. v. 23 Cans * * *. (F. D. C. No. 20397. Sample No. 46312–H.)

LIBEL FILED: July 16, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about May 4, 1946, by Zall and Levinson, from Newark, N. J.

PRODUCT: 23 1-gallon cans of maple sirup at San Francisco, Calif.

LABEL, IN PART: "Vermont Maple Syrup Pure."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance; and, Section 402 (b) (2), an artificially flavored sugar sirup, containing little, if any, maple sirup, had been substituted in whole or in part for maple sirup.

DISPOSITION: October 2, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11358. Adulteration of strawberry sirup. U. S. v. 90 Cases * * *. (F. D. C. No. 20652. Sample No. 59189–H.)

LIBEL FILED: August 13, 1946, Eastern District of Washington.

ALLEGED SHIPMENT: On or about July 11, 1946, by the California Fruit Chimes Co., San Gabriel, Calif.

PRODUCT: 90 cases, each containing 24 pint jars, of strawberry sirup at Spokane, Wash. Examination showed that the product was undergoing active decomposition.

LABEL, IN PART: "Mission Chimes Strawberry Waffle & Hot Cake Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 8, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11359. Adulteration of sugar. U. S. v. 32 Bags * * *. (F. D. C. No. 20384. Sample No. 59553–H.)

LIBEL FILED: July 8, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about May 8, 1946, from Oakland, Calif.

PRODUCT: 32 100-pound bags of sugar at Seattle, Wash., in the possession of Associated Grocers Co-op. The product had been stored under insanitary conditions. Rodent excreta and urine stains were observed on the bags, and examination disclosed that the product contained urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 30, 1946. Associated Grocers Co-op., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be refined under the supervision of the Food and Drug Administration.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, **Nos. 11360 to 11362**; that was below the legal standard for milk fat content, **Nos. 11363 to 11370**; and that was short of the declared weight, **No. 11371.**

11360. Adulteration of butter. U. S. v. Swisher Creamery, Inc., and Henry Teubel. Pleas of guilty. Fine of $200 against defendants, jointly. (F. D. C. No. 20449. Sample Nos. 32210–H, 32211–H.)

INFORMATION FILED: September 25, 1946, Northern District of Texas, against Swisher Creamery, Inc., Tulia, Tex., and Henry Teubel, president.

ALLEGED SHIPMENT: On or about July 3, 1945, from the State of Texas into the State of Arizona.

LABEL, IN PART: "Swisher Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, insect setae, rodent hair, and a whole insect; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 1, 1946. Pleas of guilty having been entered on behalf of both defendants, the court imposed a fine of $200 against the defendants, jointly.

11361. Adulteration of butter. U. S. v. Armour & Co., Ltd. Plea of not guilty. Judgment of guilty. Fine, $400. (F. D. C. No. 20476. Sample Nos. 26694–H, 26697–H to 26699–H, incl.)

INFORMATION FILED: August 29, 1946, Western District of Texas, against Armour & Co., Ltd., a corporation, El Paso, Texas.

ALLEGED SHIPMENT: On or about July 11, 17, and 18, 1945, from the State of Texas into the States of New Mexico and Arizona.

LABEL, IN PART: "Armour's Cloverbloom Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect parts, insect fragments, feather barbules, plant tissue, fibers, setae, carbonized material, and nondescript dirt; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 12, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court directed that the plea be entered as "not guilty." A jury having been waived, the case was submitted to the court on the information, plea of the defendant, and evidence submitted. The court found the defendant guilty and imposed a fine of $100 on each of the 4 counts.

11362. Adulteration of butter. U. S. v. 103 Cases * * *. (F. D. C. No. 20499. Sample No. 48943-H.)

LIBEL FILED: May 17, 1946, Middle District of Alabama.

ALLEGED SHIPMENT: On or about May 1, 1946, by Swift & Co., from Nashville, Tenn.

PRODUCT: 103 cases, each containing 32 1-pound cartons, of butter at Montgomery, Ala.

LABEL, IN PART: (Carton) "Swift's Brookfield Butter Distributed By Swift & Company Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed animal substance, analysis having shown the product to have a high mold mycelia count.

DISPOSITION: July 24, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold and denatured.

11363. Adulteration of butter. U. S. v. Beatrice Creamery Co. (Blue Valley Creamery Co.). Plea of guilty. Fine, $3,000. (F. D. C. No. 20458. Sample No. 41733-H.)

INFORMATION FILED: July 29, 1946, Southern District of Ohio, against the Beatrice Creamery Co., a corporation, trading as the Blue Valley Creamery Co., Columbus, Ohio.

ALLEGED SHIPMENT: On or about January 21, 1946, from the State of Ohio into the State of West Virginia.

LABEL, IN PART: "Blue Valley Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 1, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $3,000.

11364. Adulteration of butter. U. S. v. 908 Boxes (58,112 pounds) * * *. (F. D. C. No. 20719. Sample Nos. 35535-H, 35536-H.)

LIBEL FILED: July 8, 1946, Western District of Tennessee.

ALLEGED SHIPMENT: On or about June 1, 1946, by the Producers Creamery Co., from Cabool, Mo.

PRODUCT: 908 64-pound boxes of butter at Memphis, Tenn.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: September 9, 1946. Plymouth Products, Inc., Oakland, Calif., having intervened as claimant and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the separation of the adulterated from the unadulterated portion, if any, and the reworking of the adulterated portion under the supervision of the Federal Security Agency.

11365. Adulteration of butter. U. S. v. 30 Boxes (960 pounds) * * *. (F. D. C. No. 20722. Sample No. 51259-H.)

LIBEL FILED: July 24, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about July 17, 1946, by the Red River Valley Creameries Assoc., from Grand Forks, N. Dak.

PRODUCT: 30 boxes, each containing 32 1-pound prints, of butter at Seattle, Wash.

LABEL, IN PART: (Print) "Red River Valley Brand * * * Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 403 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: August 13, 1946. The Turner & Pease Co., Inc., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be rechurned under the supervision of the Federal Security Agency.

11366. Adulteration of butter. U. S. v. 17 Boxes (1,088 pounds) * * *. (F. D. C. No. 20718. Sample No. 19766–H.)

LIBEL FILED: July 12, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about June 25, 1946, by the Roberts Creamery, from Roberts, Wis.

PRODUCT: 17 boxes, each containing approximately 64 pounds, of butter at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: August 5, 1946. J. J. Mullins & Co., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Federal Security Agency.

11367. Adulteration of butter. U. S. v. 11 Boxes (660 pounds) * * *. (F. D. C. No. 21081. Sample No. 51873–H.)

LIBEL FILED: September 11, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about August 30, 1946, by the Farmers Cooperative Creamery Assoc., from Clarkfield, Minn.

PRODUCT: 11 60-pound boxes of butter at Jersey City, N. J.

LABEL, IN PART: "The Great A. & P. Tea Co. New York Distributors Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 14, 1946. The Great Atlantic & Pacific Tea Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked and brought into compliance with the law, under the supervision of the Federal Security Agency.

11368. Adulteration of butter. U. S. v. 9 Boxes (540 pounds) * * *. (F. D. C. No. 21079. Sample No. 51871–H.)

LIBEL FILED: September 11, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about August 28, 1946, by New Ulm Farmers Creamery, from New Ulm, Minn.

PRODUCT: 9 60-pound boxes of butter at Jersey City, N. J.

LABEL, IN PART: "The Great A. & P. Tea Co. New York Distributors Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 14, 1946. The Great Atlantic & Pacific Tea Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked and brought into compliance with the law, under the supervision of the Federal Security Agency.

11369. Adulteration of butter. U. S. v. 180 Cartons (11,520 pounds) * * *. (F. D. C. No. 21085. Sample No. 57320–H.)

LIBEL FILED: August 1, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about June 13, 1946, by the Vermont Cooperative Creamery, Inc., from Bradford, Vt.

PRODUCT: 180 64-pound cartons of butter at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: September 5, 1946. Vermont Cooperative Creamery, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked under the supervision of the Federal Security Agency.

11370. Adulteration of butter. U. S. v. 9 Cartons (540 pounds) * * *. (F. D. C. No. 20492. Sample No. 51235–H.)

LIBEL FILED: June 13, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about June 1, 1946, by the Esmond Cooperative Creamery, from Esmond, N. Dak.

PRODUCT: 9 60-pound cartons of butter at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 26, 1946. Harry Rappaport, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Federal Security Agency.

11371. Misbranding of butter. U. S. v. Marvin Emmett Johnson (Clinton Butter Co.). Plea of guilty. Fine, $150. (F. D. C. No. 20439. Sample Nos. 20874–H, 20875–H.)

INFORMATION FILED: July 3, 1946, Western District of Missouri, against Marvin Emmett Johnson, an individual, trading as the Clinton Butter Co., Clinton, Mo.

ALLEGED SHIPMENT: On or about February 12, 1946, from the State of Missouri into the State of Kansas.

LABEL, IN PART: "One Pound Net Armour's Cloverbloom Butter Armour Creameries—Distributors."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents, since the net weight of the packages was less than one pound.

DISPOSITION: July 29, 1946. A plea of guilty having been entered, the defendant was fined $150.

CHEESE

11372. Action to restrain the interstate shipment of adulterated cheese and cheese products. U. S. v. Cuba Cheese & Trading Co., Inc., et al. Permanent injunction granted. (Inj. No. 147.)

COMPLAINT FILED: August 15, 1946, Western District of New York, against the Cuba Cheese & Trading Co., Inc., Cuba, N. Y., Edwin S. Moses, Jr., president of the corporation, Isadore Van Zwanenberg, vice president and treasurer, and Francis Moses, secretary. The complaint alleged that since about the year 1943 the defendants had been engaged in the business of manufacturing, selling, and transporting in interstate commerce cheese and cheese products which were adulterated; and that in connection with the business the firm operated manufacturing plants at Sardinia, Centerville, Bliss, Friendship, Hallsport, Cuba, Warsaw, Fords Brook, Riceville, and Greenwood, N. Y., and Myrtle and Cranesville, Pa. The manufactured products were transported from these plants to the corporation's warehouses at Cuba, N. Y., to be prepared for shipment into interstate commerce. Inspections of the various plants and warehouses revealed the following insanitary conditions and practices, among others:

The Sardinia plant contained a large number of flies as a result of the lack of screening, and considerable rodent infestation was noted, as evidenced by the presence of rodent excreta pellets in the storage and curing room. The Myrtle plant had no real protection against flies, and the utensils in use were dirty and bore a heavy residue of curd and dried milk. The shelves used for storage of the cheese were slimy and dirty, and samples of the cheese were found to contain cat hairs, cow hairs, rodent hair fragments, insect fragments, feather fragments, and nondescript dirt. The Friendship plant was in a poor state of repair, with large openings in the walls. Samples of cheese from the plant were found to contain insect fragments and rodent hairs. The Centerville plant contained many flies, and there was evidence of rat and mouse activity. The plant was generally untidy, and cheese manufactured the week before was gnawed by mice. At the Bliss plant, avenues of rodent entry were found, and numerous rat excreta pellets were noted along the wall of the manufacturing room and near the cheese vat. At the Hallsport plant, cheeses on the curing shelves were found to be rodent-gnawed. At the Warsaw plant, a number of rat excreta pellets and three rodent-gnawed cheeses were found in the curing room. The Fords Brook plant had a whey tank which leaked, and at the rear of the factory there was a mire of putrid sewage. The well used as a source of water supply at the Riceville plant was of questionable sanitary quality, and the outside toilet was not flyproof. The Greenwood plant was

infested with mice and insects. The Cranesville plant was in a dirty and messy condition, and several recently made cheeses were rodent-gnawed. The manufacturing rooms were used also by the cheesemaker as his living quarters. The exterior insanitary conditions included an open outside toilet, and a pig sty which was located nearby; and spring water probably polluted from the toilet and pig sty was being used. Many other insanitary conditions were noted, including the acceptance and use of milk that was unfit for food purposes. The corporation's warehouses at Cuba, N. Y., were infested with rats, with definite contamination and spoilage of the products in certain instances.

PRAYER OF COMPLAINT: That the defendants be restrained from shipping adulterated cheese and cheese products in interstate commerce.

DISPOSITION: September 19, 1946. The defendants having failed to answer or otherwise plead to the complaint, judgment was entered ordering that the defendants be perpetually enjoined from shipping adulterated cheese and cheese products in interstate commerce.

11373. Adulteration of Cheddar cheese. U. S. v. Lake Como Co-operative Cheese Co. Plea of guilty. Fine, $700. (F. D. C. No. 20436. Sample No. 19623–H.)

INFORMATION FILED: August 9, 1946, District of Minnesota, against the Lake Como Co-operative Cheese Co., a corporation, Hokah, Minn.

ALLEGED SHIPMENT: On or about November 29, 1945, from the State of Minnesota into the State of Wisconsin.

LABEL, IN PART: "Minnesota Colored Twins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hairs, and manure; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have bcome contaminated with filth.

DISPOSITION: February 7, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $700.

11374. Adulteration of cheese. U. S. v. 425 Pounds * * * (and 2 other seizure actions). (F. D. C. Nos. 20688, 20689, 21089, 21204. Sample Nos. 182–H, 38590–H, 38591–H, 64327–H.)

LIBELS FILED: September 5 and 30 and October 2, 1946, Northern District of Illinois, Southern District of New York, and Southern District of Florida.

ALLEGED SHIPMENT: Between the approximate dates of July 2 and August 17, 1946, by the Rocky Mountain Cheese Mfg. Co., from Trinidad, Colo.

PRODUCT: Cheese. 425 pounds at Chicago, Ill., 600 pounds at New York, N. Y., and 72 pounds at Tampa, Fla. Examination showed that the Chicago lot contained maggots, that the New York lot contained flies, maggots, and rodent excreta, and that the Tampa lot was moldy.

LABEL, IN PART: "Mizethra," or "Feta Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy or decomposed substances.

DISPOSITION: October 25 and 29, 1946, and January 24, 1947. No claimant having appeared, judgments of condemnation were entered. It was ordered that the Food and Drug Administration be permitted to withdraw any portion of the New York lot that it required, and that the remainder be destroyed. The Chicago lot was ordered destroyed; however, on February 27, 1947, an amended order was entered permitting delivery of this lot to a public institution, where the good portion was to be used for human food and the unfit portion was to be disposed of as animal feed. The Tampa lot was ordered destroyed.

11375. Adulteration of Gouda cheese. U. S. v. 2,728 Boxes * * *. (F. D. C. No. 20687. Sample No. 45629–H.)

LIBEL FILED: August 29, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about July 16, 1946, by the Land O'Lakes Creameries, Inc., from Minneapolis, Minn.

PRODUCT: 2,728 13-pound boxes of Gouda cheese at San Francisco, Calif.

LABEL, IN PART: "Cavqurd Gouda Cheese—Land O'Lakes Creameries, Inc., Curers and Distributors."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence therein of mites, rodent excreta, and insect eggs; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 18, 1946. The B. J. Holmes Sales Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered. It was ordered that the product be released under bond, conditioned that it be inspected, sampled, and analyzed under the supervision of the Food and Drug Administration; that any portion of the product found to be in conformity with the law be released for sale; and that any portion found to be unfit for human consumption be segregated, denatured, and disposed of for use as animal feed.

11376. Adulteration of Swiss cheese. U. S. v. 52 Wheels, etc. (F. D. C. No. 20641. Sample Nos. 45689–H, 45691–H.)

LIBEL FILED: August 14, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about July 13, 1946, by the Star Valley Swiss Cheese Assoc., from Thayne and Freedom, Wyo.

PRODUCT: 52 wheels and 30 wheels of Swiss cheese at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 16, 1946. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

11377. Adulteration of Swiss cheese. U. S. v. 105 Wheels, etc. (F. D. C. No. 20657. Sample Nos. 44337–H, 44338–H.)

LIBEL FILED: August 16, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about July 17, 1946, by the Upper Snake River Valley Dairymen's Assoc., from Rexburg, Idaho.

PRODUCT: Swiss cheese. 105 wheels labeled "Afton" and 68 wheels labeled "FR" at Los Angeles, Calif. Each cheese weighed about 180 pounds.

LABEL, IN PART: "Afton," or "FR."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 19, 1946. The Star Valley Swiss Cheese Co., Freedom, Wyo., and the Star Valley Swiss Cheese Assoc., Afton, Wyo., having appeared as claimants for the respective lots and having consented to the entry of a decree, judgment of condemnation was entered. The product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

CREAM AND MILK

11378. Adulteration of cream. U. S. v. 9 10-Gallon Cans * * * (and 4 other seizure actions). (F. D. C. Nos. 19190, 19191, 19193, 22888. Sample Nos. 26890–H, 26893–H, 26895–H, 47699–H.)

LIBEL FILED: October 26, 1945, and February 26, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about October 20 and 21, 1945, and February 20, 1947, by E. M. Cords, from Potter, Nebr.; B. F. Smiley, from Broadwater, Nebr.; Clyde Arnold, from Broken Bow, Nebr.; Klein Produce, from Goodland, Kans.; and the Plettner Brothers, from Friend, Nebr.

PRODUCT: 26 10-gallon cans of cream at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, decomposed, and putrid animal substance. (Examination showed that the cream contained variously, insect eggs, insect parts, house flies, rodent hairs, hairs similar to rodent and cat hairs, feather barbules, material resembling manure, and mold spores.)

DISPOSITION: October 26, 1945, and February 26, 1947. The various consignees having consented, orders for the immediate destruction of the cream were entered.

11379. Adulteration of cream. U. S. v. 6 10-Gallon Cans * * *. (F. D. C. Nos. 20488, 20489. Sample Nos. 48601–H, 48602–H.)

LIBEL FILED: September 27, 1945, and June 21, 1946, District of Colorado.

ALLEGED SHIPMENT: June 15, 1946, by Stieben Produce, from Wakeeney, Kans., and Leons Produce, from Colby, Kans.

PRODUCT: 6 10-gallon cans of cream at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed substance.

DISPOSITION: June 21, 1946. The consignee having consented to the entry of decrees, judgments were entered ordering that the product be destroyed immediately.

11380. Adulteration of canned milk. U. S. v. 311 Cases * * *. (F. D. C. No. 20404. Sample No. 46229–H.)

LIBEL FILED: July 17, 1946, Northern District of California.

ALLEGED SHIPMENT: Between the approximate dates of July 31 and August 18, 1945, by the Sego Milk Products Co., from Buhl, Idaho.

PRODUCT: 311 cases, each containing 48 14½-ounce cans, of milk at Sacramento, Calif. Examination showed that the product was sour and decomposed.

LABEL, IN PART: "Pet Homogenized Evaporated Milk."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: On August 26, 1946, the S & S Pie Co., San Francisco, Calif., having appeared as claimant for 232 cases of the product and having consented to the entry of a decree, judgment of condemnation was entered and the 232 cases were ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

On September 11, 1946, no claimant having appeared for the remainder of the product, judgment of condemnation was entered and it was ordered destroyed.

EGGS

11381. Adulteration of frozen eggs. U. S. v. Sunny State Distributing Co. Plea of nolo contendere. Fine, $250. (F. D. C. No. 20464. Sample No. 26332–H.)

INFORMATION FILED: August 8, 1946, District of New Mexico, against the Sunny State Distributing Co., a partnership, Albuquerque, N. Mex.

ALLEGED SHIPMENT: On or about September 25, 1945, from the State of New Mexico into the State of Texas.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: January 16, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $250.

11382. Adulteration of frozen eggs. U. S. v. 2 Cans (and 5 other seizure actions). (F. D. C. Nos. 20371, 20590, 20591, 20639, 20694, 20817. Sample Nos. 49473–H, 51432–H, 51530–H, 51537–H, 51538–H, 51542–H, 51543–H.)

LIBELS FILED: June 27, July 31, and August 20 and 23, 1946, District of Minnesota, and August 27, 1946, Northern District of Alabama.

ALLEGED SHIPMENT: Between the approximate dates of May 22 and June 26, 1946, by North American Creameries, Inc., from Watertown, S. Dak., and Oakes and Carrington, N. Dak.

PRODUCT: Frozen eggs. 2 cans at Paynesville, Minn., 1,208 cans at Minneapolis, Minn., 55 cans at St. Paul, Minn., and 1,900 cans at Birmingham, Ala. Each can contained 30 pounds of eggs.

LABEL, IN PART: "Arvilla Whole Eggs," "Arvilla Frozen Eggs," or "Whole Eggs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product, with the exception of the Birmingham lot, consisted in whole or in part of a decomposed substance, and it (Birmingham lot) was unfit for food by reason of being musty.

DISPOSITION: On August 8, 1946, no claimant having appeared for the Paynesville, lot judgment of condemnation was entered and the product was ordered destroyed.

On September 17 and 20, 1946, the North American Creameries, Inc., claimant for the remainder of the product, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

11383. Adulteration of frozen whole eggs. U. S. v. 1,400 Cans * * *. (F. D. C. No. 20517. Sample No. 63554–H.)

LIBEL FILED: July 12, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about May 27, 1946, by the Cudahy Packing Co., from Fairmount, N. Dak.

PRODUCT: 1,400 30-pound cans of frozen whole eggs at Newark, N. J.

LABEL, IN PART: "Cudahy's Sunlight Whole Eggs * * * Frozen."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: August 30, 1946. The shipper, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for examination, segregation, and salvage of the fit portion and destruction or denaturing of the unfit portion, under the supervision of the Food and Drug Administration.

11384. Adulteration of frozen whole eggs. U. S. v. 59 Cans * * *. (F .D. C. No. 20690. Sample Nos. 14537–H, 14538–H.)

LIBEL FILED: August 22, 1946, Western District of Kentucky.

ALLEGED SHIPMENT: Between the approximate dates of May 24 and August 8, 1946, by Perry C. Hendricks, from New Salisbury, Ind.

PRODUCT: 59 30-pound cans of frozen whole eggs at Louisville, Ky.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: January 22, 1947. Perry C. Hendricks, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for purposes of salvage, under the supervision of the Federal Security Agency.

11385. Adulteration of frozen egg product "Dublegg". U. S. v. 97 cans * * *. (F. D. C. No. 20613. Sample No. 16999–H.)

LIBEL FILED: October 15, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 25, 1946, by the Arthur Redmond Co., from Terre Haute, Ind.

PRODUCT: 97 30-pound cans of frozen egg product "Dublegg" at Chicago, Ill.

LABEL, IN PART: "Dublegg."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of sour eggs.

DISPOSITION: November 12 and 25, 1946. The Arthur Redmond Co., Inc., New York, N. Y., having appeared as claimant and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the segregation and the denaturing of the unfit portion, under the supervision of the Federal Security Agency.

FEEDS AND GRAINS

11386. Adulteration and misbranding of stock feed. U. S. v. 25 Tons * * *. (F. D. C. No. 21131. Sample No. 51654–H.)

LIBEL FILED: October 11, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about July 20, 1946, by the Consolidated Fisheries Co., from Lewes, Del.

PRODUCT: 25 tons of fish meal stock feed, in 70-pound bags at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, protein, had been in part omitted from the article.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food, i. e., the article was invoiced as "Fish Meal 68.50% Protein," whereas it was fish meal containing 62.04 percent protein.

DISPOSITION: October 18, 1946. The Hilltop Farm Feed Co., Minneapolis, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for labeling under the supervision of the Federal Security Agency.

11387. Adulteration of Tuffy Dog Food. U. S. v. 75 Dozen Jars * * *. (F. D. C. No. 20672. Sample No. 40378–H.)

LIBEL FILED: August 15, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 4, 1946, by the Packer Products Co., from Philadelphia, Pa.

PRODUCT: 75 dozen 35-ounce jars of Tuffy Dog Food at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: September 12, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11388. Adulteration of seed corn. U. S. v. 96,390 Pounds * * *. (F. D. C. No. 20673. Sample No. 15373–H.)

LIBEL FILED: August 21, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 24, 1946, by the Funk Brothers Seed Co., from Belle Plaine, Iowa.

PRODUCT: 96,390 pounds of seed corn at Chicago, Ill. The product was to be used by the consignee as animal feed.

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained an added poisonous and deleterious substance, mercury, which may have rendered it injurious to health.

DISPOSITION: September 19, 1946. The Funk Brothers Seed Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be cleaned and to be brought into compliance with the law, under the supervision of the Federal Security Agency.

FISH AND SHELLFISH

11389. Adulteration of canned codfish flakes. U. S. v. Green Island Packing Co. Plea of guilty. Fine, $1,000. (F. D. C. No. 20453. Sample Nos. 3132–H, 41834–H.)

INFORMATION FILED: August 26, 1946, District of Maine, against the Green Island Packing Co., a partnership, Rockland, Maine.

ALLEGED SHIPMENT: On or about July 28 and September 27, 1945, from the State of Maine into the States of New York and North Carolina.

LABEL, IN PART: "Maine Shore Cod Fish Flakes Prepared From Fresh Caught Cod."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: September 27, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $1,000.

11390. Adulteration of frozen red perch fillets. U. S. v. 125 Cartons * * *. (F. D. C. No. 20587. Sample No. 43041–H.)

LIBEL FILED: August 5, 1946, District of Columbia.

ALLEGED SHIPMENT: On or about July 17 and 20, 1946, by Genoa Fisheries, Inc., from Boston, Mass.

PRODUCT: 125 10-pound cartons of frozen red perch fillets at Washington, D. C.

LABEL, IN PART: "Genoa Brand Frosted Red Perch Fillets."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasites.

DISPOSITION: November 8, 1946. No claimant having appeared, judgment of

condemnation was entered and the product was ordered delivered to the National Zoological Park, for use as animal food.

11391. Adulteration of frozen rosefish fillets. U. S. v. 1,403 Boxes * * *. (F. D. C. No. 20712. Sample No. 1771–H.)

LIBEL FILED: August 12, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about July 27, 1946, by Fast Frozen Foods, Inc., from Gloucester, Mass.

PRODUCT: 1,403 10-pound boxes of frozen rosefish fillets at Atlanta, Ga.

LABEL, IN PART: "Fresh Frozen Rosefish * * * Packed By American Fillet Co. Gloucester, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasites.

DISPOSITION: September 30, 1946. The American Fillet Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

11392. Adulteration of frozen rosefish fillets. U. S. v. 31 Cartons * * *. (F. D. C. No. 20611. Sample No. 60801–H.)

LIBEL FILED: August 5, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about July 2, 1946, by Frost King Foods, Inc., from Boston, Mass.

PRODUCT: 31 10-pound cartons of frozen rosefish fillets at Rochester, N. Y.

LABEL, IN PART: "Shamrock Brand Quickly Frozen Fillets Shamrock Fisheries Inc., Boston, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of parasites and decomposed fish fillets.

DISPOSITION: September 11, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11393. Misbranding of caviar. U. S. v. 78 Cases * * *. (F. D. C. No. 20398. Sample No. 46172–H.)

LIBEL FILED: July 17, 1946, Northern District of California.

ALLEGED SHIPMENT: Between the approximate dates of February 9 and April 24, 1946, by Smith Brothers, from Port Washington, Wis.

PRODUCT: 78 cases, each containing 24 jars, of whitefish caviar at San Francisco, Calif. The article was found to be short-weight.

LABEL, IN PART: "Land o'Lakes Brand Whitefish Caviar with added pure carbon Net Weight 2 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: August 27, 1946. The United Grocers, Ltd., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

11394. Adulteration of canned clams. U. S. v. 412 Cases * * *. (F. D. C. No. 20645. Sample No. 46175–H.)

LIBEL FILED: September 27, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about June 28, 1946, by S. & W. Fine Foods, Inc., from Seattle, Wash.

PRODUCT: 412 cases, each containing 24 1-pound, 4-ounce cans, of clams at San Francisco, Calif.

LABEL, IN PART: "Royal Ocean Brand Whole Butter Clams * * * Packed by H. M. Parks Co. Seattle, Wash."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained a poisonous and deleterious substance, *Gonyaulax* toxin, which may have rendered it injurious to health.

DISPOSITION: July 21, 1947. The H. M. Parks Co., Inc., claimant, and the United States attorney, having consented that a decree be entered condemning a portion of the article under seizure and releasing the remainder, judgment of condemnation was entered as to the portion of the product which was adulterated, and it was ordered turned over to the Food and Drug Administration. The remainder of the product, which was found not to be adulterated, was released to the claimant.

11395. Adulteration of canned crab meat. U. S. v. 48 Cases, etc. (and 6 other seizure actions). (F. D. C. Nos. 21101, 21102, 21201 to 21203, incl., 21595, 21598. Sample Nos. 57520–H, 60179–H, 60180–H, 60188–H, 60189–H, 60211–H, 60749–H, 64035–H, 64036–H.)

LIBELS FILED: Between September 24 and November 1, 1946, Western District of New York, Western District of Pennsylvania, District of Connecticut, and District of Massachusetts.

ALLEGED SHIPMENT: Between the approximate dates of June 29 and July 22, 1946, by the Orleans Seafood Co., from New Orleans, La.

PRODUCT: Canned crab meat. 48 cases at Elmira, N. Y.; 23 cases at Erie, Pa.; 8 cases at Bristol, Conn.; 7 cases at Charlestown, Mass.; 26 cases at Wellsville, N. Y.; 23 cases at Olean, N. Y.; and 40 cans at Rochester, N. Y. Each case contained 24 cans. The cans were 6½ ounces and $7\frac{8}{10}$ ounces in size.

LABEL, IN PART: "Orleans American Crab Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance; and, Section 402 (b) (2), brine (in a portion of the article) had been substituted in part for crab meat.

DISPOSITION: Between October 30, 1946, and March 3, 1947. Default decrees of condemnation and destruction.

11396. Adulteration of canned crab meat. U. S. v. 49 Cases, etc. (and 5 other seizure actions). (F. D. C. Nos. 20402, 20562, 20682, 20683, 20724, 20879. Sample Nos. 19360–H, 19362–H, 35763–H, 38583–H, 43109–H, 49218–H, 49822–H.)

LIBELS FILED: Between July 22 and September 12, 1946, Southern District of Iowa, Northern District of Illinois, Eastern District of Missouri, and District of Maryland.

ALLEGED SHIPMENT: Between the approximate dates of June 10 and July 2, 1946, by the Southern Shell Fish Co., Inc., from Harvey, La.

PRODUCT: Canned crab meat. 98 cases at Des Moines, Iowa., 24 cases at Dundalk, Md., 48 cases at Baltimore, Md., 148 cases at Chicago, Ill., and 59 cases at St. Louis, Mo. Each case contained 24 $7\frac{8}{10}$-ounce cans of crab meat.

LABEL, IN PART: "Palm Claw Meat American Crabmeat," or "Gulf Kist Brand * * * Fancy White American Crabmeat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed crab meat and of a filthy substance by reason of the presence of insects, insect fragments, or flies; and, Section 402 (a) (4), a portion of the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: Between the dates of August 30 and November 15, 1946. The Southern Shell Fish Co., Inc., claimant for the Chicago lot, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed. No claimant having appeared for the other shipments, judgments of condemnation were entered and the product was ordered destroyed, with the exception of the St. Louis lot which was ordered denatured and sold.

11397. Adulteration of canned crab meat. U. S. v. 11 Cases * * *. (F. D. C. No. 20617. Sample No. 46177–H.)

LIBEL FILED: August 8, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about June 4, 1946, by South Bay Motor Freight, from Aberdeen, Wash.

PRODUCT: 11 cases, each containing 48 6½-ounce cans, of crab meat at San Francisco, Calif.

LABEL, IN PART: "Sea Haven Brand Fancy Crab Meat * * * Packed by Kaakinen Seafoods, Westport, Wash."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: September 30, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11398. Adulteration of canned crab meat. U. S. v. 65 Cans, etc. (and 2 other seizure actions). (F. D. C. Nos. 20501, 20503, 20505. Sample Nos. 1520–H, 54531–H, 54549–H.)

LIBELS FILED: On or about June 14, 17, and 24, 1946, District of Maryland and Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 10, 11, and 18, 1946, by the United Sea Food Co., from Apalachicola, Fla.

PRODUCT: 538 1-pound cans of "Regular" crab meat, 161 1-pound cans of "DeLuxe" crab meat, and 128 1-pound cans of "Claw" crab meat, at Philadelphia, Pa., and 2 barrels containing 98 1-pound cans of "Regular" and 48 1-pound cans of "DeLuxe" crab meat at Baltimore, Md. All lots of the product were found to be contaminated with *E. coli.*

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy animal substance.

DISPOSITION: July 24 and September 4, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

11399. Adulteration of crab meat. U. S. v. 284 Pounds * * *. (F. D. C. No. 20720. Sample No. 54548–H.)

LIBEL FILED: June 21, 1946, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 18, 1946, by the Lewis Crab Factory, Brunswick, Ga.

PRODUCT: 284 pounds of crab meat at York, Pa.

LABEL, IN PART: "Claw [or "Select"] Crabmeat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance. (Examination showed that the product was contaminated with *E. coli* of fecal origin.)

DISPOSITION: September 12, 1946. Default decree of condemnation and destruction.

11400. Adulteration of frozen lobster tails. U. S. v. 195 Boxes, etc. (and 1 other seizure action). (F. D. C. Nos. 20702, 20730. Sample Nos. 63937–H, 65035–H.)

LIBELS FILED: August 6 and 15, 1946, Eastern District of Pennsylvania and Southern District of New York.

ALLEGED SHIPMENT: On or about July 19 and 24, 1946, by Golden, Mandlebaum & Miller, Inc., from Newark, N. J.

PRODUCT: 195 boxes at Philadelphia, Pa., and 44 boxes at New York, N. Y., each box containing 30 pounds of frozen lobster tails.

LABEL, IN PART: "Cape Rock Lobster Tails * * * B. Gelcer & Co. * * * Capetown."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a putrid and decomposed substance.

DISPOSITION: September 3 and October 1, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

11401. Adulteration of frozen lobster tails. U. S. v. 92 Boxes * * *. (F. D. C. No. 20701. Sample No. 65036–H.)

LIBEL FILED: August 6, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 22, 1946, by the Liberty Fish Co., from Newark, N. J.

PRODUCT: 92 30-pound boxes of frozen lobster tails at Philadelphia, Pa.

LABEL, IN PART: "Cape Rock Lobster Tails * * * B. Gelcer & Co. * * * Capetown."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a putrid substance.

DISPOSITION: October 1, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11402. Adulteration of canned shrimp. U. S. v. 66 Cases * * *. (F. D. C. No. 20541. Sample No. 8838–H.)

LIBEL FILED: July 17, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about May 18, 1946, by the Medomak Canning Co., from Winslow Mills, Maine.

PRODUCT: 66 cases, each containing 48 6½- or 7-ounce cans, of shrimp at New York, N. Y.

LABEL, IN PART: "Maine-Maid Brand Maine Wet Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: May 24, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11403. Misbranding of canned shrimp. U. S. v. 19 Cases * * *. (F. D. C. No. 20616. Sample No. 37038–H.)

LIBEL FILED: August 12, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about June 11, 1946, by the Alaska Shellfish Corp., from Seldovia, Alaska.

PRODUCT: 19 cases, each containing 48 4-ounce cans, of shrimp at Seattle, Wash. The product was wet pack shrimp in nontransparent containers.

LABEL, IN PART: "Pacific Pearl Brand Alaska Cocktail Shrimp."

NATURE OF CHARGE: Misbranding, Section 403 (h) (2), the article fell below the standard of fill of container for canned shrimp in nontransparent containers. The standard requires that the cut-out weight of shrimp taken from each can is not less than 64 percent of the water capacity of the container. The containers were not filled in accordance with the standard, and the label failed to bear a statement that it fell below such standard.

DISPOSITION: August 23, 1946. Alaska Shellfish, Inc., claimant, having consented to the entry of a decree, judgment was entered ordering that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

11404. Adulteration of frozen shrimp. U. S. v. 283 Cartons * * *. (F. D. C. No. 21093. Sample Nos. 63507–H, 63508–H.)

LIBEL FILED: September 30, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about August 17, 1946, by the R. H. Savage Fish Co., from Beaufort, S. C.; and by Paul Moreira, Lourenco Moreira, Manuel Ferro, the Mutual Shrimp Co., Jack Netto, M. Lousa, John Macado, Manuel Henrique, M. Rocha, Joe Romeira, D. Manita, and V. Ribeiro, from Brunswick, Ga.

PRODUCT: 283 10-pound cartons of frozen shrimp at New York, N. Y. The shrimp was packed in 100-pound cartons. Upon its arrival in New York it was repackaged into 10-pound cartons.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUITS AND VEGETABLES*

CANNED FRUIT

11405. Adulteration of canned blackberries. U. S. v. 81 Cases * * *. (F. D. C. No. 20745. Sample No. 1767–H.)

LIBEL FILED: On or about August 26, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about July 8, 1946, by the Havana Canning Co., from Havana, Fla.

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*See also Nos. 11303, 11305–11310, 11358.

PRODUCT: 81 cases, each containing 6 6-pound, 7-ounce cans, of blackberries at Atlanta, Ga.

LABEL, IN PART: "Le-Ko Brand * * * Wild Blackberries Packed in Water."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 4, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11406. Adulteration of canned blackberries. U. S. v. 137 Cases * * *. (F. D. C. No. 21157. Sample No. 61619–H.)

LIBEL FILED: October 1, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about September 9, 1946, by the Pacific Fruit & Produce Co., from Portland, Oreg.

PRODUCT: 137 cases, each containing 6 6-pound, 7-ounce cans, of blackberries at Seattle, Wash.

LABEL, IN PART: "Cream of the Valley * * * Blackberries in Water Packed by Chas. L. Diven Portland, Oregon."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten blackberries.

DISPOSITION: December 31, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11407. Adulteration of canned cherries. U. S. v. 251 Cases * * *. (F. D. C. No. 20748. Sample No. 63891–H.)

LIBEL FILED: August 28, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about June 5, 1946, by Stockton Food Products, Inc., from Stockton, Calif.

PRODUCT: 251 cases, each containing 24 1-pound, 12-ounce cans, of dark sweet cherries at Paterson, N. J.

LABEL, IN PART: "Real-Ripe Brand Dark Sweet Cherries In Slightly Sweetened Water."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: January 6, 1947. The shipper having withdrawn its claim and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

11408. Misbranding of canned peaches. U. S. v. 122 Cases * * *. (F. D. C. No. 20723. Sample No. 54222–H.)

LIBEL FILED: August 22, 1946, Southern District of Florida.

ALLEGED SHIPMENT: On or about June 20, 1946, by the Russell & Decker Co., from Monticello, Ga.

PRODUCT: 122 cases, each containing 24 1-pound, 12-ounce cans, of peaches at Miami, Fla.

LABEL, IN PART: "Castella Brand White Freestone Halves Peaches."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product failed to conform to the standard of quality for canned peaches, since more than 20 percent of the units in the container were blemished, since not all of the units were untrimmed, or so trimmed as to preserve normal shape, and since the product was not labeled as substandard.

DISPOSITION: November 18, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

11409. Adulteration of canned prunes. U. S. v. Paulus Brothers Packing Co. Plea of guilty. Fine, $1,200. (F. D. C. No. 20465. Sample Nos. 1078–H, 1374–H, 8299–H, 8441–H, 10870–H, 12785–H.)

LIBEL FILED: August 21, 1946, District of Oregon, against the Paulus Brothers Packing Co., a corporation, Salem, Oreg.

ALLEGED SHIPMENT: Between the approximate dates of December 9 and 14, 1945,

from the State of Oregon into the States of Georgia, Florida, New York, Connecticut, and Massachusetts.

LABEL, IN PART: "Richland Prepared Oregon Dried Prunes in Heavy Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 13, 1946. A plea of guilty having been entered on behalf of the defendant, a fine of $200 on each of 6 counts was imposed by the court, a total fine of $1,200.

DRIED FRUIT

11410. Adulteration of dates. U. S. v. Calavo, Inc. Plea of nolo contendere. Fine, $400. (F. D. C. No. 20460. Sample Nos. 37897–H to 37899–H, incl., 58121–H.)

INFORMATION FILED: August 20, 1946, Southern District of California, against Calavo, Inc., Los Angeles, Calif.

ALLEGED SHIPMENT: On or about January 11, 12, and 15, 1946, from the State of California into the States of Washington and Oregon.

LABEL, IN PART: "Cal-Trop."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested and decomposed dates.

DISPOSITION: September 30, 1946. A plea of nolo contendere having been entered on behalf of the defendant, a fine of $400 was imposed.

11411. Adulteration of dates. U. S. v. 44 Cases * * *. (F. D. C. No. 20691. Sample No. 48118–H.)

LIBEL FILED: August 22, 1946, District of Utah.

ALLEGED SHIPMENT: On or about December 7, 1945, by Garden of the Setting Sun, from Mecca, Calif.

PRODUCT: 44 cases, each containing 24 14-ounce packages, of fresh dates at Salt Lake City, Utah.

LABEL, IN PART: "Garden of the Setting Sun * * * Edna Cast's California Fresh Dates."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: September 27, 1946. No claimant having appeared, judgment was entered ordering that the marshal feed the product to animals.

11412. Adulteration of dried peaches. U. S. v. 111 Cases * * *. (F. D. C. No. 21146. Sample No. 61940–H.)

LIBEL FILED: On or about November 23, 1946, District of Oregon.

ALLEGED SHIPMENT: On or about January 23, 1946, by the Vagim Packing Co., from Fresno, Calif.

PRODUCT: 111 25-pound cases of dried peaches at Eugene, Oreg.

LABEL, IN PART: "Plump and Meaty Brand Choice California Muir Peaches."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and mites.

DISPOSITION: January 23, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11413. Adulteration of evaporated pear chops. U. S. v. 660 Bags * * *. (F. D. C. No. 20674. Sample No. 53331–H.)

LIBEL FILED: August 23, 1946, Western District of Kentucky.

ALLEGED SHIPMENT: On or about January 26, 1946, from Yakima, Wash.

PRODUCT: 660 44-pound bags of evaporated pear chops at Louisville, Ky, in possession of the Goodwin Preserving Co. The product was stored under insanitary conditions after shipment. The bags were torn, and rodent pellets were observed on and in the bags. Examination showed that the product contained rodent pellets, rodent hairs, and insects.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 2, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, for use as animal feed.

11414. Adulteration of dried prunes. U. S. v. 61 Cases * * *. (F. D. C. No. 20391. Sample No. 37024–H.)

LIBEL FILED: July 17, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about January 21, 1946, by the Rosenberg Bros. & Co., from Portland, Oreg.

PRODUCT: 61 25-pound cases of dried prunes at Seattle, Wash.

LABEL, IN PART: "Red Ribbon Brand 30–40 Prunes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of prunes affected with brown rot.

DISPOSITION: December 31, 1946. Default decree of condemnation and destruction.

11415. Adulteration of dried prunes. U. S. v. 43 Cases * * *. (F. D. C. No. 20008. Sample No. 59246–H.)

LIBEL FILED: May 23, 1946, District of Oregon.

ALLEGED SHIPMENT: On or about November 23, 1945, by the Washington Growers Packing Corp., from Vancouver, Wash.

PRODUCT: 43 cases, each containing 25 pounds, of dried prunes at Portland, Oreg.

LABEL, IN PART: "Bestwest Clark County Prunes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of prunes affected with brown rot.

DISPOSITION: November 15, 1946. Default decree of condemnation and destruction.

11416. Adulteration of raisins. U. S. v. 277 Cartons, etc. (F. D. C. Nos. 21134, 21135. Sample Nos. 48714–H, 48715–H.)

LIBEL FILED: October 3, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about May 16, 1946, by the California Raisin Co., from Fowler, Calif.

PRODUCT: 277 25-pound cartons of seedless raisins at Denver, Colo.

LABEL, IN PART: "Val King Midget Thompson Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of live larvae and insect excreta.

DISPOSITION: November 20, 1946. The California Raisin Co., Fresno, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be manufactured into alcohol or alcoholic beverages by distillation, under the supervision of the Federal Security Agency.

11417. Adulteration of seedless raisins. U. S. v. 111 Cartons * * *. (F. D. C. No. 21112. Sample No. 48713–H.)

LIBEL FILED: September 30, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about April 30, 1946, by Diebert Brothers & Snyder, from Biola, Calif.

PRODUCT: 111 30-pound cartons of seedless raisins at Denver, Colo.

LABEL, IN PART: "Diebert's D. B. Brand Midget Thompson Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of live larvae.

DISPOSITION: October 18, 1946. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

FRESH AND FROZEN FRUIT

11418. Adulteration of fresh blueberries. U. S. v. 15 Crates * * *. (F. D. C. No. 21084. Sample No. 60236–H.)

LIBEL FILED: August 9, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about August 8, 1946, by A. Clarke, from Peckville, Pa.

PRODUCT: 15 crates, each containing 24 quarts, of fresh blueberries at Buffalo, N. Y. Analysis showed that the product was infested with maggots and larvae.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: September 9, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11419. Adulteration of frozen blackberries. U. S. v. 323 Cases * * *. (F. D. C. No. 21116. Sample No. 9973–H.)

LIBEL FILED: September 26, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about July 10, 1946, by the Craddock Canning & Preserve Co., from Paducah, Ky.

PRODUCT: 323 cases, each containing 6 6-pound cans, of frozen blackberries at Holley, N. Y. Examination showed the presence of fermented and decomposed berries.

LABEL, IN PART: "Frost King Fancy Frozen Blackberries with Sugar * * * Frost King Foods, Inc., Rochester, New York."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: December 11, 1946. Frost King Foods, Inc., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond, conditioned that it be sold for the purpose of fermenting, converting, or distilling into a lawful alcoholic product, under the supervision of the Food and Drug Administration.

11420. Misbranding of frozen blackberries. U. S. v. 1,020 Cases * * *. (F. D. C. No. 21091. Sample Nos. 64330–H, 64332–H.)

LIBEL FILED: September 30, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about July 4, 1946, by the Craddock Canning & Preserve Co., from Paducah, Ky.

PRODUCT: 1,020 cases, each containing 24 packages, of frozen blackberries at New York, N. Y. Examination showed that a portion of the product was short-weight.

LABEL, IN PART: (Package) "Craddock's Fancy Frozen Blackberries with Sugar * * * Net Weight 16 Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents.

DISPOSITION: October 15, 1946. Frost King Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be utilized in the manufacture of preserves, under the supervision of the Food and Drug Administration.

11421. Adulteration of frozen blackberries. U. S. v. 1,393 Cans * * *. (F. D. C. No. 20618. Sample No. 40368–H.)

LIBEL FILED: August 13, 1946, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about July 4, 1946, by the F. M. Thompson Canning Co., from West Plains, Mo.

PRODUCT: 1,393 cans, each containing 27 pounds, of frozen blackberries at National Stock Yards, Ill. Examination showed that the product was fermented.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 29, 1946. The F. M. Thompson Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into wine, under the supervision of the Food and Drug Administration.

11422. Adulteration of frozen blackberries. U. S. v. 2,131 Cans, etc. (F. D. C. Nos. 20680, 21136. Sample Nos. 23589–H, 40008–H.)

LIBELS FILED: August 19 and on or about October 25, 1946, Western District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of July 15 and 18, 1946, by the Welch Grape Juice Co., from Springdale, Ark.

PRODUCT: 1,575 cans and 556 cans, each containing 28 pounds, of frozen blackberries at Carthage, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of sour, fermented, or decomposed blackberries.

DISPOSITION: March 21, 1947. The Welch Grape Juice Co. having appeared as claimant for both lots, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration. The unfit berries were converted into a distilled alcoholic beverage, and the fit berries were released for human consumption.

11423. Adulteration of frozen peaches. U. S. v. 56 Cases, etc. (and 3 other seizure actions). (F. D. C. Nos. 20686, 20855, 20896, 20897. Sample Nos. 9858–H, 9959–H, 60177–H, 60187–H.)

LIBELS FILED: August 27 and September 9, 18, and 20, 1946, Western District of Pennsylvania and Western District of New York.

ALLEGED SHIPMENT: Between the approximate dates of September 1, 1945, and June 3, 1946, by John H. Dulany & Son, Inc., from Exmore, Va.

PRODUCT: Frozen peaches. 56 cases, 16 cases, and 10 cases, each containing 24 1-pound packages, at Erie, Bradford, and Warren, Pa., respectively; and 9 cartons, each containing 5 10-pound packages, at Elmira, N. Y.

LABEL, IN PART: "Dulany Quality Frosted Yellow Sliced Peaches With Syrup [or "With Sugar"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article consisted of an added poisonous and deleterious substance, thiourea, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice.

DISPOSITION: October 14 and 16 and November 13, 1946. No claimants having appeared, judgments of condemnation were entered and the product was ordered destroyed.

11424. Adulteration of frozen strawberries. U. S. v. 796 Cases * * *. (F. D. C. No. 21149. Sample No. 53802–H.)

LIBEL FILED: October 8, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about June 27, 1946, by the Fairmont Creamery Co., from Buffalo, N. Y.

PRODUCT: 796 cases, each containing 12 1-pound cups, of frozen strawberries at Columbus, Ohio.

LABEL, IN PART: "Fairmont Frozen Fresh Strawberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: February 7, 1947. Default decree of condemnation and destruction.

11425. Adulteration of frozen strawberries. U. S. v. 299 Cases * * * . (F. D. C No. 20679. Sample No. 52742–H.)

LIBEL FILED: August 20, 1946, Northern District of Ohio.

DISPOSITION: February 7, 1947. Default decree of condemnation and destruc-

from Buffalo, N. Y.

PRODUCT: 299 cases, each containing 12 1-pound cups, of frozen strawberries at Cleveland, Ohio.

LABEL, IN PART: "Fairmont's Frozen Fresh Strawberries Packed with Pure Sugar."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: March 18, 1947. No claim or answer having been filed, and the Westfield Planters Cooperative Fruit Products, Inc., packer of the product, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS FRUIT PRODUCTS

11426. Misbranding of apple butter. U. S. v. 49 Cases * * *. (F. D. C. No. 21090. Sample No. 41949–H.)

LIBEL FILED: September 30, 1946, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about August 12, 1946, by the Adams Apple Products Corp., from Bendersville, Pa.

PRODUCT: 49 cases, each containing 6 7-pound, 8-ounce cans, of apple butter at Norfolk, Va. Analysis showed that the product contained less than 43 percent soluble solids.

LABEL, IN PART: "Adams Maid Brand Apple Butter."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity prescribed in the regulations for apple butter, which definition and standard requires that the product be concentrated by heat to such point that the soluble solids of the finished product is not less than 43 percent.

DISPOSITION: November 1, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to welfare organizations.

11427. Adulteration of grape jam. U. S. v. 82 Cases, etc. (F. D. C. Nos. 20605, 20637. Sample Nos. 42631–H, 43111–H.)

LIBELS FILED: August 5 and 9, 1946, Southern District of West Virginia and Western District of Virginia.

ALLEGED SHIPMENT: On or about June 6 and 10 and July 8, 1946, by New York Bakery, from Albany, N. Y.

PRODUCT: Grape jam. 82 cases at Charleston, W. Va., and 172 cases at Danville, Va. Each case contained 6 8.25-pound cans.

LABEL, IN PART: "Richardson Grape Jam * * * Richardson Corporation Rochester, New York."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: September 11 and November 12, 1946. No claimant having appeared, judgments of condemnation were entered. It was ordered that the Danville lot be delivered to a charitable institution, for use as animal feed, and that the Charleston lot be destroyed.

11428. Adulteration of date confection. U. S. v. 9 Cases * * *. (F. D. C. No. 20667. Sample No. 48117–H.)

LIBEL FILED: August 19, 1946, District of Utah.

ALLEGED SHIPMENT: On or about March 28, 1946, by the United Date Growers, from Coachella, Calif.

PRODUCT: 9 cases, each containing 24 10-ounce packages, of date confection at Salt Lake City, Utah.

LABEL, IN PART: "Date-E-Sweets A California Date and Fruit Confection."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts and larvae.

DISPOSITION: September 27, 1946. Default decree ordering product destroyed by feeding it to animals.

11429. Adulteration of strawberry puree. U. S. v. 67 Barrels * * *. (F. D. C. No. 17558. Sample No. 11278–H.)

LIBEL FILED: September 14, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about June 1, 1945, by the Harrison National Bank, from Benton Harbor, Mich.

PRODUCT: 67 barrels, each containing 400 pounds, of strawberry puree at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy berries.

DISPOSITION: December 3, 1947. Flint and Fulton, Inc., trading as the Monmouth Products Co., having appeared as claimant, the matter was tried before the court, and judgment was entered for the Government.

December 5, 1947. Decree of condemnation and destruction.

CANNED VEGETABLES

11430. Adulteration and misbranding of canned asparagus. U. S. v. 75 Cases * * *. (F. D. C. No. 20545. Sample No. 35496–H.)

LIBEL FILED: July 17, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 6, 1946, by the Yosemite Growers Cooperative Assoc., from Kadota, Calif.

PRODUCT: 75 cases, each containing 6 6-pound, 5-ounce cans, of asparagus at St. Louis, Mo.

LABEL, IN PART: "Happy Isles Brand Asparagus Center Cuts."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), tough, fibrous, and inedible parts of asparagus had been substituted in whole or in part for asparagus center cuts, which the article was represented to be.

Misbranding, Section 403 (g) (1), the article purported to be and was represented as bottom asparagus cuts, or asparagus cuts—tips removed, for which a definition and standard of identity has been prescribed by regulations; and it failed to conform to the definition and standard, since the definition and standard requires that "bottom asparagus cuts," or "asparagus cuts—tips removed," be the edible succulent portions of sprouts of the asparagus plant from which the tip has been removed, cut in pieces. The article consisted of tough, fibrous, and inedible parts of the asparagus plant.

DISPOSITION: August 12, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11431. Adulteration of canned stringless beans. U. S. v. 1,699 Cases * * *. (F. D. C. No. 20576. Sample No. 44617–H.)

LIBEL FILED: August 7, 1946, District of Arizona.

ALLEGED SHIPMENT: On or about May 5, 1946, by the E. S. Smith Co., Inc., from Plant City, Fla.

PRODUCT: 1,699 cases, each containing 24 1-pound, 4-ounce cans, of stringless beans at Phoenix, Ariz. Examination showed that the product was undergoing progressive decomposition.

LABEL, IN PART: "Mountain Crest Brand French Style Green Stringless Beans Packed in U. S. A. by Russell-Black and Company Main Office Hendersonville, N. C."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 21, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11432. Misbranding of canned green beans. U. S. v. 1,750 Cases * * *. (F. D. C. No. 20412. Sample No. 56460–H.)

LIBEL FILED: On or about July 24, 1946, Western District of Missouri.

ALLEGED SHIPMENT: On or about June 7, 1946, by the Valley Packing Co., from Atkins, Ark.

PRODUCT: 1,750 cases, each containing 24 1-pound, 3-ounce cans, of green beans at Kansas City, Mo. Examination showed that the product was short-weight.

LABEL, IN PART: "Big 3 Brand Cut Green Beans Contents 1 Lb. 3 Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the label of the article failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: August 28, 1946. The Valley Packing Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

11433. Adulteration of canned bean sprouts. U. S. v. 28 Cases * * *. (F. D. C No. 21159. Sample No. 61989–H.)

LIBEL FILED: On or about November 22, 1946, District of Oregon.

ALLEGED SHIPMENT: On or about April 18, 1946, by the Bean Sprout Growers Assoc., from Iron River, Wis.

PRODUCT: 28 cases, each containing 24 1-pound, 3-ounce cans, of bean sprouts at Klamath Falls, Oregon. Examination disclosed that the product was undergoing progressive decomposition.

LABEL, IN PART: "Chun King Select Bean Sprouts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: On or about January 2, 1947, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11434. Adulteration of canned okra. U. S. v. 20 Cases * * * (and 4 other seizure actions). (F. D. C. Nos. 20734, 21237, 21248, 21308, 21314. Sample Nos. 1483–H, 1881–H, 1949–H, 54708–H, 54710–H.)

LIBELS FILED: Between the approximate dates of August 16 and October 29, 1946, Northern and Middle Districts of Georgia and Eastern District of South Carolina.

ALLEGED SHIPMENT: Between the approximate dates of June 24 and August 22, 1946, by the Alabama Products Canning Co., Inc., from Roanoke, Ala.

PRODUCT: Canned okra. 68 cases at Atlanta, 134 cases at La Grange, and 40 cases at Columbus, Ga.; and 49 cases at Florence, S. C. Each case contained 24 1-pound, 3-ounce cans, or 6 6-pound, 3-ounce cans.

LABEL, IN PART: "Morris Brand Cut Okra [or "Okra Whole Pods"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: Between the dates of September 30, 1946, and January 13, 1947. No claimant having appeared for any of the lots, judgments of condemnation were entered and the product was ordered destroyed.

11435. Misbranding of canned peas. U. S. v. 685 Cases * * *. (F. D. C. No. 20731. Sample No. 180–H.)

LIBEL FILED: August 16, 1946, Southern District of Florida.

ALLEGED SHIPMENT: On or about June 20, 1946, by the H. J. McGrath Co., from Baltimore, Md.

PRODUCT: 685 cases, each containing 6 6-pound, 9-ounce cans, of peas at Tampa, Fla.

LABEL, IN PART: (Portion) "Realm Sifted Early Peas"; (remainder) "Realm Sugar Peas."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), ("Realm Sugar Peas") the article purported to be and was represented as canned peas, a food for which a definition and standard of identity has been prescribed by the regulations, and the label failed to bear the name of the food specified in the definition and standard for smooth skin variety of canned peas, i.e., "Early," "Early June," or "June."

DISPOSITION: September 12, 1946. The H. J. McGrath Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

11436. Misbranding of canned peas. U. S. v. 320 Cases * * *. (F. D. C. No. 21086. Sample No. 42925–H.)

LIBEL FILED: September 26, 1946, District of Maryland.

ALLEGED SHIPMENT: On or about June 29, 1946, by Stokely-Van Camp, Inc., from Rehoboth, Del.

PRODUCT: 320 cases, each containing 24 1-pound, 4-ounce cans, of peas at Snow Hill, Md.

LABEL, IN PART: "Glen Valley Brand Early June Peas * * * Distributed by Jeffersonville Packing Co. Inc. General Offices Indianapolis, Ind."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard.

DISPOSITION: October 25, 1946. Stokely-Van Camp, Inc., claimant, having admitted the facts of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

11437. Adulteration of canned black-eyed peas and canned cream peas. U. S. v. 98 Cases, etc. (F. D. C. Nos. 21132, 21133, 21142, 21147. Sample Nos. 49623–H, 49624–H, 49843–H, 49879–H.)

LIBELS FILED: October 3 and 5, 1946, Southern District of Mississippi and Western District of Louisiana.

ALLEGED SHIPMENT: On or about July 8 and 25 and August 10, 1946, by the Mallory Canning Co., from Grapeland, Tex.

PRODUCT: 246 cases of black-eyed peas at Shreveport, La., 318 cases of black-eyed peas at Gulfport, Miss., and 173 cases of cream peas at Lafayette, La. Each case contained 24 1-pound, 3-ounce cans.

LABEL, IN PART: "Silver Creek Fresh Green Shelled Black-Eyed Peas," or "Grapeland Fresh Shelled Cream Peas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances.

DISPOSITION: January 7 and February 17 and 21, 1947. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

11438. Adulteration of canned mustard greens. U. S. v. 154 Cases * * *. (F. D. C. No. 21096. Sample No. 56573–H.)

LIBEL FILED: On or about October 3, 1946, Western District of Missouri.

ALLEGED SHIPMENT: On or about July 20, 1946, by the Baron Canning Co., from Westville, Okla.

PRODUCT: 154 cases, each containing 24 1-pound, 2-ounce cans, of mustard greens at Kansas City, Mo.

LABEL, IN PART: "Lee Mustard Greens."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of aphids and thrips.

DISPOSITION: December 6, 1946. No claimant having appeared, judgment was entered ordering that the product be destroyed.

11439. Adulteration of canned mustard greens. U. S. v. 48 Cases * * *. (F. D. C. No. 20629. Sample No. 35543–H.)

LIBEL FILED: August 19, 1946, Western District of Tennessee.

ALLEGED SHIPMENT: On or about May 13, 1946, by the Mississippi Valley Canning Co., from Osceola, Ark.

PRODUCT: 48 cases, each containing 24 1-pound, 2-ounce cans, of mustard greens at Memphis, Tenn.

LABEL, IN PART: "Little Andy Mustard Greens."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of aphids.

DISPOSITION: November 4, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11440. Adulteration of canned turnip greens and canned mustard greens. U. S. v. 133 Cases, etc. (F. D. C. Nos. 20395, 20601. Sample Nos. 35378–H, 49220–H.)

LIBELS FILED: July 11 and 31, 1946, Western District of Kentucky and Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about November 28, 1945, and April 30, 1946, by the Mississippi Valley Canning Co, from Osceola, Ark.

PRODUCT: 133 cases of turnip greens at Paducah, Ky., and 77 cases of mustard greens at New Orleans, La. Each case contained 24 1-pound, 2-ounce cans. Both products were found to contain aphids and flies, and the turnip greens contained, in addition, larvae and insect fragments.

LABEL, IN PART: "Delta Club Turnip Greens," or "Little Andy Mustard Greens."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances.

DISPOSITION: October 22 and 28, 1946. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

11441. Adulteration of canned mustard greens and canned turnip greens. U. S. v. 553 Cases, etc. (F. D. C. No. 20666. Sample Nos. 24975–H, 24976–H.)

LIBEL FILED: August 14, 1946, Eastern District of Texas.

ALLEGED SHIPMENT: On or about January 8, 1946, by the Hinton Food Products Co., from Rogers, Ark.

PRODUCT: 553 cases, each containing 24 1-pound, 2-ounce cans, of mustard greens, and 213 cases, each containing 24 1-pound, 2-ounce cans, of turnip greens at Port Arthur, Tex. Examination showed that the mustard greens contained insects and were decomposed, and that the turnip greens contained insects.

LABEL, IN PART: "Staff-O-Life Brand Mustard Greens [or "Turnip Greens"] Distributed by Canners Exchange, Inc., Springfield, Mo."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances, contained insects, and were unfit for food.

DISPOSITION: October 7, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

11442. Adulteration of canned turnip greens. U. S. v. 29 Cases * * *. (F. D. C. No. 20655. Sample No. 59045–H.)

LIBEL FILED: August 14, 1946, District of Montana.

ALLEGED SHIPMENT: On or about January 5, 1946, by the Denton Canning Co., from McAllen, Tex.

PRODUCT: 29 cases, each containing 24 1-pound, 2-ounce cans, of turnip greens at Havre, Mont.

LABEL, IN PART: "Denton Turnip Greens."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: September 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11443. Misbranding of canned turnip greens. U. S. v. 447 Cases * * *. (F. D. C. No. 20383. Sample No. 49282–H.)

LIBEL FILED: July 8, 1946, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about March 26, 1946, by the Dorgan Packing Corp., from Columbia, Miss.

PRODUCT: 447 cases, each containing 24 18-ounce cans, of turnip greens at New Orleans, La. The product was not "fancy," as labeled, because of the presence of many yellow-colored leaves.

LABEL, IN PART: "Gulf Kist Brand Fancy Turnip Greens."

NATURE OF CHARGE: Misbranding, Section 403 (a), the statement "Fancy Turnip Greens" and the vignette of a dish of bright green turnip leaves on the label were false and misleading.

DISPOSITION: September 9, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11444. Adulteration of canned spinach. U. S. v. 300 Cases * * *. (F. D. C. No. 20400. Sample No. 52671–H.)

LIBEL FILED: July 15 and August 23, 1946, Southern District of Indiana.

ALLEGED SHIPMENT: On or about April 27, 1946, by the Alma Canning Co., from Alma, Kans.

PRODUCT: 300 cases, each containing 24 1-pound, 11-ounce cans, of spinach at Indianapolis, Ind.

LABEL, IN PART: "Monarch Spinach * * * Distributors Reid, Murdoch & Co., Chicago, Ill."

NATURE OF CHARGE: Adulteration, Sectiou 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: August 23, 1946. The Alma Canning Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond so that the good cans might be segregated from the bad and the latter destroyed, under the supervision of the Food and Drug Administration.

11445. Adulteration of canned spinach. U. S. v. 91 Cases * * *. (F. D. C. No. 21160. Sample No. 51558–H.)

LIBEL FILED: October 7, 1946, Northern District of Iowa.

ALLEGED SHIPMENT: On or about July 10, 1946, by the Clarksville Packing Co., from Clarksville, Ark.

PRODUCT: 91 cases, each containing 24 1-pound, 2-ounce cans, of spinach at Waterloo, Iowa.

LABEL, IN PART: "Clarksville Brand Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 1, 1946. No claimant having appeared, judgment of condemnation was entered and it was ordered that the unfit portion of the product be segregated and destroyed and that the remainder be sold, under the supervision of the Food and Drug Administration.

FROZEN VEGETABLES

11446. Adulteration of frozen asparagus. U. S. v. 468 Cases * * *. (F. D. C. No. 20430. Sample No. 43490–H.)

LIBEL FILED: August 1, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about August 22, 1945, by the Olympia Cold Storage Co., from Olympia, Wash.

PRODUCT: 468 cases, each containing 6 4-pound cartons, of frozen asparagus at Los Angeles, Calif.

LABEL, IN PART: "Moonwinks Brand Asparagus Cuts and Tips Packed by Midfield Packers Olympia, Washington."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: September 23, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11447. Adulteration of frozen green beans. U. S. v. 679 Cases * * *. (F. D. C. No. 20612. Sample No. 70516–H.)

LIBEL FILED: August 5, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about April 8, 1946, by the Pasco Packing Co., from Dade City, Fla.

PRODUCT: 679 cases, each containing 16 2½-pound packages, of frozen green beans at Los Angeles, Calif. Examination showed that the product was sour and decomposed.

LABEL, IN PART: "Southland Products Co., New York, N. Y. * * * Southland Frozen Fresh Cut Beans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: September 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11448. Adulteration of frozen green beans. U. S. v. 453 Cases * * *. (F. D. C. No. 20665. Sample Nos. 15810–H, 15811–H.)

LIBEL FILED: October 15, 1946, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about April 18, 1946, by the Southland Products Co., from Dade City, Fla.

PRODUCT: 453 cases, each containing 16 2½-pound packages, of frozen green beans at Detroit, Mich. Examination showed that the product was sour and decomposed.

LABEL, IN PART: "Southland Frozen Fresh Cut Beans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: December 30, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as hog feed.

11449. Adulteration of frozen green beans. U. S. v. 289 Cases, etc. (and 6 other seizure actions). (F. D. C. Nos. 20387, 20394, 20410, 20411, 20424, 20547, 20594, 20989. Sample Nos. 38175–H to 38177–H, incl., 42913–H, 42914–H, 43060–H, 44599–H, 44600–H, 46234–H, 53035–H, 70510–H.)

LIBELS FILED: Between the dates of July 9 and September 13, 1946, Northern and Southern Districts of California, Northern District of Illinois, Northern District of Ohio, and District of Columbia.

ALLEGED SHIPMENT: Between the approximate dates of March 26 and July 15, 1946, by the Southland Products Co., from Dade City and Plant City, Fla., and New York, N. Y.

PRODUCT: Frozen green beans. 1,122 cases at Pasadena and 289 cases at Sacramento, Calif.; 972 cases at Chicago, Ill.; 1,605 cases at Baltimore, Md.; 915 cases at Cleveland, Ohio; and 131 cases at Washington, D. C. 910 cases each contained 16 2½-pound packages of the product, and 4,124 cases each contained 24 10-ounce packages. Examination disclosed that the product in all shipments was sour and decomposed.

LABEL, IN PART: "Southland Frozen Fresh [or "French"] Cut [or "String"] Beans," "Southland Fresh Frozen Beans," "Frozen Fresh Cut Beans The Stride Corporation New York, N. Y.," or "Quick Frosted Frenched Green Beans Packed For Carpel Frosted Foods, Inc.. Washington, D. C."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: Between the dates of August 12, 1946, and January 7, 1947. No claimant having appeared for any of the shipments, judgments of condemnation were entered and the product was ordered destroyed, with the exception of the Chicago lots, which were ordered delivered to a charitable institution, for use as animal feed. On September 26 and October 31, 1946, the Southland Products Co. having intervened as claimant for the Chicago and Pasadena lots, the default decrees previously entered against these lots were set aside. Thereupon the product was ordered released under bond, conditioned that the fit portion be segregated and repackaged under the supervision of the Federal Security Agency.

11450. Adulteration of frozen string beans. U. S. v. 1,672 Cartons * * *. (F. D. C. No. 20569. Sample Nos. 63736–H, 63741–H.)

LIBEL FILED: July 31, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about April 18, 1946, by the Southland Products Co., from Plant City, Fla.

PRODUCT: 1,672 cartons, each containing 24 10-ounce packages, of frozen string beans at New York, N. Y. Examination showed that the article was sour and decomposed.

LABEL, IN PART: "Southland Frozen Fresh Cut Beans Southland Products Co., New York," or "Hygrade's Quick Frozen Cut Green Beans * * * Packed For Hygrade Food Products Corp. New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: January 6, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11451. Adulteration of frozen peas. U. S. v. 1,494 Cases * * *. (F. D. C. No. 20595. Sample No. 15370–H.)

LIBEL FILED: August 2, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 2, 1946, by the Ries, Munoz & Antun Corp., from Georgetown, Del.

PRODUCT: 1,494 30-pound cases of frozen peas at Chicago, Ill.

LABEL, IN PART: "Early June Peas John S. Isaacs and Sons, Ellendale, Delaware."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. (Examination showed that the article was sour and decomposed.)

DISPOSITION: March 3, 1947; amended March 20, 1947. Default decree of condemnation. Product ordered segregated and denatured under the supervision of the Federal Security Agency so that it could be brought into compliance with the law. It was further ordered that the portion of the product found to be fit for human consumption be sold, and that the unfit portion be denatured and delivered to a public instituion, for use as animal feed.

11452. Adulteration of frozen peas. U. S. v. 1,498 Cartons * * *. (F. D. C. No. 20625. Sample Nos. 15371–H, 15372–H.)

LIBEL FILED: August 9, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 28, 1946, by the Ries, Munoz & Antun Corp., from Georgetown, Del.

PRODUCT: 1,498 30-pound cartons of frozen peas at Chicago, Ill. Examination showed that the product was sour and decomposed.

LABEL, IN PART: "Early June Peas John S. Isaacs & Sons, Ellendale, Delaware."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: February 3, 1947; decree amended March 20, 1947. No claimant having appeared, judgment of condemnation was entered and the fit portion of the product was ordered segregated and sold under the supervision of the Federal Security Agency, and the unfit portion was ordered denatured and delivered to a public institution, for use as animal feed.

MISCELLANEOUS VEGETABLES AND VEGETABLE PRODUCTS

11453. Adulteration of dried lima beans. U. S. v. 60 Cases, etc. (F. D. C. Nos. 20678, 21029 to 21038, incl. Sample Nos. 52743–H, 52745–H to 52747–H, incl., 53054–H to 53056–H, incl., 53059–H to 53061–H, incl., 53063–H.)

LIBELS FILED: August 20 and September 24, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: June 19 and July 11, 1946, by the California Bean Growers Assoc., from Saticoy, Calif.

PRODUCT: 2,011 cases, each containing 24 2-pound bags, of dried lima beans at Cleveland, Ohio.

LABEL, IN PART: "Seaside Brand California Large Limas Butter Beans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect excreta.

DISPOSITION: September 24 and 27, 1946. The California Lima Bean Growers Assoc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be fumigated and cleaned under the supervision of the Food and Drug Administration.

11454. Misbranding of onions. U. S. v. C. G. Dash. Plea of guilty. Fine, $50. (F. D. C. No. 20468. Sample No. 43468–H.)

LIBEL FILED: August 20, 1946, District of Colorado, against C. G. Dash, a partnership, Rocky Ford, Colo.

ALLEGED SHIPMENT: On or about January 29, 1946, from the State of Colorado into the State of California.

LABEL, IN PART: "Colorado Onions 50 Lbs. Net * * * Packed and Shipped By C. G. Dash—Rocky Ford, Colo.," or "Colorado Ruby Brand Onions 50 Lbs. Keck Produce Co. Rocky Ford, Colo."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the labeling of the article failed to bear an accurate statement of the quantity of the contents, since the bags contained less than 50 pounds.

DISPOSITION: September 4, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $50.

11455. Adulteration and misbranding of potatoes. U. S. v. 255 Bags * * *. (F. D. C. No. 20421. Sample No. 38302–H.)

LIBEL FILED: July 27, 1946, Western District of Michigan.

ALLEGED SHIPMENT: On or about June 21, 1946, by the National Produce Co., from Atherton, Mo.

PRODUCT: 255 100-pound bags of potatoes at Grand Rapids, Mich. Examination showed that the bags contained an average of 10 pounds of dirt.

LABEL, IN PART: "100 Lbs. Net Pony Express Missouri Grown Potatoes Grown By C. Ray Curtis and Son, Atherton, Mo."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), dirt had been substituted in part for potatoes.

Misbranding, Section 403 (e) (2), the label of the article failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: October 9, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered brought into compliance with the law, under the supervision of the Food and Drug Administration. The product subsequently was sold by the U. S. marshal.

11456. Adulteration of potato chips. U. S. v. Red Dot Foods and Andrew B. Laing. Pleas of guilty. Fines of $200 against the partnership and $25 against the individual. (F. D. C. No. 20451. Sample Nos. 19535–H, 19540–H, 50655–H, 50656–H.)

INFORMATION FILED: July 17, 1946, District of Minnesota, against Red Dot Foods, a partnership, St. Paul, Minn., and Andrew B. Laing, plant manager.

ALLEGED SHIPMENT: On or about December 28 and 29, 1945, and January 2, 1946, from the State of Minnesota into the States of Iowa, Wisconsin, and North Dakota.

LABEL, IN PART: "Red Dot * * * Potato Chips."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), a portion of the article consisted in part of a filthy substance by reason of the presence of rodent hairs and insect fragments, and the remainder consisted in part of a decomposed substance by reason of the presence of decomposed potato material; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 6, 1946. Pleas of guilty having been entered on behalf of both defendants, the court imposed fines of $200 against the partnership defendant and $25 against the individual defendant.

TOMATOES AND TOMATO PRODUCTS*

11457. Misbranding of canned tomatoes. U. S. v. 600 Cases * * *. (F. D. C. No. 20729. Sample No. 41937–H.)

LIBEL FILED: August 15, 1946, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about July 2 and 6, 1946, by Sunrise Products, Inc., from Fort Pierce, Fla.

PRODUCT: 600 cases, each containing 24 cans, of tomatoes at Richmond, Va. Examination showed that the article was short-weight; that the drained weight was less than 50 percent of the weight of the water required to fill the container; and that the containers were filled to less than 90 percent of their capacity.

LABEL, IN PART: "Pure Food Brand Tomatoes Contents 1 Lb. 3 Oz. Thomas Roberts & Co., Distributors, Philadelphia, Pa."

*See also No. 11310.

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents; Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes with respect to the drained weight; and, Section 403 (h) (2), it fell below the standard of fill of container. The labels failed to bear statements that the article fell below the standard of quality and fill of container.

DISPOSITION: September 6, 1946. Thomas Roberts & Co., Philadelphia, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

11458. Adulteration of tomato catsup. U. S. v. Vincennes Packing Corp. Plea of guilty. Fine, $350. (F. D. C. No. 20455. Sample Nos. 21383–H, 25015–H.)

INFORMATION FILED: August 3, 1946, Southern District of Indiana, against the Vincennes Packing Corp., Vincennes, Ind.

ALLEGED SHIPMENT: On or about January 18 and November 2, 1945, from the State of Indiana into the States of Missouri and Louisiana.

LABEL, IN PART: "Alice of Old Vincennes Tomato Catsup," or "Red & White Brand Tomato Catsup Red & White Corp'n, Distributors Chicago."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: September 13, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $350.

11459. Adulteration of tomato paste. U. S. v. Manteca Canning Co., Frank H. Walrond, Edward A. Kent, Anthony L. Escabar, and Kimball Littlejohn. Pleas of guilty. Fines of $1,000 against the corporation and $376 against each individual; total fine, $2,504. (F. D. C. No. 20437. Sample Nos. 5029–H, 21395–H, 35902–H, 35906–H, 35907–H.)

INFORMATION FILED: August 5, 1946, Northern District of California, against the Manteca Canning Co., a corporation, Manteca, Calif.; Frank H. Walrond, president; Edward A. Kent, vice president; Anthony L. Escabar, secretary-treasurer; and Kimball Littlejohn, plant superintendent.

ALLEGED SHIPMENT: On or about October 25 and 29, 1945, from the State of California into the States of Pennsylvania and Missouri.

LABEL, IN PART: "Mattina Brand Tomato Paste."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: September 10, 1946. Pleas of guilty to both counts of the information having been entered on behalf of the defendants, the court imposed a total fine of $2,504.

11460. Adulteration of tomato puree. U. S. v. Ensher, Alexander and Barsoom, Inc., and Homer E. Ensher. Pleas of guilty. Fine, $250. (F. D. C. No. 20473. Sample No. 20848–H.)

INFORMATION FILED: September 12, 1946, Northern District of California, against Ensher, Alexander and Barsoom, Inc., Sacramento, Calif., and Homer E. Ensher, president and general manager of the corporation.

ALLEGED SHIPMENT: On or about November 20, 1945, from the State of California into the State of Missouri.

LABEL, IN PART: "E and A Brand Fancy Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: October 7, 1946. Pleas of guilty having been entered, the court imposed a fine of $250 to be paid jointly by the corporation and the individual.

11461. Adulteration of tomato puree. U. S. v. The Hougland Packing Co., Inc. Plea of guilty. Fine, $200. (F. D. C. No. 20474. Sample Nos. 14344–H, 52819–H, 52831–H.)

INFORMATION FILED: October 2, 1946, Southern District of Indiana, against the Hougland Packing Co., Inc., Franklin, Ind.

ALLEGED SHIPMENT: On or about November 1, 2, and 16, 1945, from the State of Indiana into the States of Kentucky and Tennessee.

LABEL, IN PART: "Franklin Tomato Puree Salt Added."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: December 4, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $200.

11462. Adulteration of tomato puree. U. S. v. Mays Packing Co. Plea of guilty. Fine, $100. (F. D. C. No. 20459. Sample No. 16066–H.)

INFORMATION FILED: August 6, 1946, Southern District of Indiana, against the Mays Packing Co., a corporation, Mays, Ind.

ALLEGED SHIPMENT: On or about November 1, 1945, from the State of Indiana into the State of Michigan.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: September 6, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $100.

11463. Adulteration of tomato puree. U. S. v. Pleasant Hill Canning Co. Plea of guilty. Fine, $200. (F. D. C. No. 20452. Sample Nos. 35074–H, 35076–H, 35077–H.)

INFORMATION FILED: July 30, 1946, Southern District of Ohio, against the Pleasant Hill Canning Co., a partnership, Pleasant Hill, Ohio.

ALLEGED SHIPMENT: On or about October 22, 1945, from the State of Ohio into the State of Missouri.

LABEL, IN PART: "Tomato Puree * * * Packed by Pleasant Hill Canning Co. Pleasant Hill, Ohio."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: August 15, 1946. A plea of guilty having been entered on behalf of the defendant, a fine of $200 was imposed by the court.

11464. Adulteration of tomato puree. U. S. v. Kenneth N. Rider Co., Inc. Plea of guilty. Fine, $250. (F. D. C. No. 20438. Sample Nos. 14317–H, 14319–H, 14343–H, 14590–H.)

INFORMATION FILED: July 24, 1946, Southern District of Indiana, against the Kenneth N. Rider Co., Inc., Trafalgar, Ind.

ALLEGED SHIPMENT: Between the approximate dates of September 17 and October 12, 1945, from the State of Indiana into the State of Kentucky.

LABEL, IN PART: "Red Gold [or "Trafalgar"] Brand Indiana Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: August 23, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $250.

11465. Adulteration of tomato puree. U. S. v. 998 Cases * * *. (F. D. C. No. 7932. Sample No. 1403–F.)

LIBEL FILED: July 16, 1942, Western District of Michigan.

ALLEGED SHIPMENT: On or about January 10, 1942, from Lebanon, Ind., by the Ladoga Canning Co.

PRODUCT: 998 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Fremont, Mich.

LABEL, IN PART: "Ladoga Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: The Ladoga Canning Co., claimant, filed on or about August 1, 1942, a motion to quash on the ground that the seizure of the product was in violation of the Fourth Amendment to the Constitution, and that the libel did not allege facts sufficient to sustain an action for relief in admiralty. Briefs were thereafter filed by the parties, and on September 21, 1942, the following ruling was made by the court:

RAYMOND, *District Judge:* "It being the view of the court that proceedings for condemnation under Section 304 (a) of the Federal Food, Drug and Cosmetic Act (21 U. S. C. A., Section 334) are essentially civil and are intended for protection of the lives and health of the public, and that they are not designed to obtain information for use in evidence against the owner and that therefore the Fourth Amendment to the Constitution is inapplicable (see United States v. Eighteen Cases of Tuna Fish, 5 F. (2d) 979; United States v. B. & M. External Remedy, 36 F. (2d) 53; Boyd v. United States, 116 U. S. 616; North American Cold Storage Co. v. City of Chicago, 211 U. S. 306; 15 Ann. Cas. 281; 56 C. J. 1166; 25 C. J. 1173; 22 Am. Jur., Food, Section 81), an order may be entered denying the motion of Ladoga Canning Company to quash warrant and seizure and for return of goods."

On October 5, 1942, the claimant filed exceptions to the libel for the following reasons: First, that the libel did not allege facts sufficient to sustain an action for relief in admiralty and, second, that the libel was indefinite and uncertain because it did not state what decomposed substance was present in the product.

An answer to the exceptions was filed on or about November 16, 1942, stating that the question raised by the first exception was res judicata by reason of the court's opinion of September 21, 1942. In answer to the second exception, the answer alleged that the product consisted in whole or in part of decomposed tomato material, as evidenced by mold.

On January 14, 1943, the court entered an order sustaining the Government on both points.

Following the entry of the order of January 14, 1943, the claimant filed its answer to the libel, denying that the product was adulterated; and, in addition, the claimant propounded a number of interrogatories, together with a motion for an order compelling answers to the interrogatories. The granting of such motion was opposed by the Government, and on April 21, 1943, the following opinion was handed down by the court:

RAYMOND, *District Judge:* "In proceedings in admiralty for seizure and destruction of alleged adulterated tomato puree introduced into interstate commerce, claimant has filed a motion for an order compelling answers to interrogatories. These interrogatories seek disclosure of the following information: (1) the extent to which the seized goods consisted of decomposed tomato products at time of shipment; (2) the number of cans taken out of shipment and their contents examined, with the can marks of each can; (3) the number of cans found to contain decomposed products, with the can mark of each can; (4) the nature of the test or examination made of the contents of each can; (5) the result of the test or examination made of the contents of each can with the can mark of each such can.

"The issue before the court under the statute is whether or not the food was adulterated when introduced into or while in interstate commerce. For this reason, the first interrogatory, as to whether the goods consisted of decomposed products at the time of shipment is wholly immaterial.

"The remaining interrogatories, in substance, seek to obtain from the libellant evidence upon which it will rely to support its own allegations, and are objectionable for this reason. In the case of Coronet Phosphate Co. v. United States Shipping Co., 260 F. 846, Judge Learned Hand said (page 849):

* * * Interrogatories in the admiralty serve two purposes, to amplify the pleadings of the party interrogated, and to procure evidence in support of the libel or defense of the party interrogating. Bock v. Int. Nav. Co. (D. C.) 124 Fed. 711; The Baker Palmer (D. C.) 172 Fed. 154. They should not, however, be used merely to fish into the evidence which the party interrogated may produce in support of his own allegations. This limitation upon discovery has remained even in the most modern rules of procedure. A party is of course entitled to know whether his opponent admits the truth of his own allegations, and how far, so as to avoid unnecessary preparation for trial. He is not entitled to know what evidence his adversary will produce to prove the adversary's allegations, and what evidence he must himself produce to overcome the case so made. The result will, of course, be, as it has been in the past, that he must go to trial some-

what in the dark as to what he must meet. The pleadings are intended to advise him of that, and interrogatories are proper to reduce those allegations to very specific form. They should be encouraged for that purpose, but so far as they call upon the pleader to go further, and give, not only the details of his allegations, but the evidence by which he means to prove them, they are liable to abuse. If there develop on the trial a case of genuine surprise, the court, especially where there is no jury, has ample power to protect the party surprised.

"While it has been held that admiralty rule No. 31 as to interrogatories to parties should be as broadly construed as federal rule 33 touching disclosure of an adversary's case (see The Exermont, 1 F. R. D. 574; Citro Chemical Co. v. Bank Line Limited, 1 F. R. D. 638), the better rule is that interrogatories may not be used to examine the opposite party as to evidence upon which the other will rely to support his own case (Jensen v. Sinclair Nav. Co., 58 F. (2d) 407; Cargo Carriers v. The Prospect, 2 F. R. D. 519; The Arthur Conners, 35 F. Supp. 775).

"An order will be entered denying the motion filed February 26, 1943."

On April 25, 1944, a motion was filed by the Government for amendment of the libel, to allege that the product consisted in whole or in part of decomposed tomato material, as evidenced by mold, rot fragments, fly eggs, and fly maggots. The claimant subsequently requested that as a condition to the granting of the Government's motion for amendment, terms be imposed requiring the Government to disclose certain analytical data. After hearing the argument of the counsel and after due consideration of briefs submitted, the court, on July 10, 1944, granted the motion without imposition of the terms requested by claimant. The claimant thereafter withdrew its answer to the libel, and on November 18, 1944, judgment of condemnation was entered.

On November 20, 1944, the court ordered that the portion of the product which was found fit for food be released to the Ladoga Canning Co., and that the remainder be delivered to a Federal institution, for use as animal feed.

11466. Adulteration of tomato puree. U. S. v. 500 Cases * * *. (F. D. C. No. 20599. Sample No. 40703–H.)

LIBEL FILED: July 30, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 14, 1946, by the Meyer Canning Co., from Edinburg, Tex.

PRODUCT: 500 cases, each containing 48 10½-ounce cans, of tomato puree at St. Louis, Mo.

LABEL, IN PART: "Gold Inn Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: September 4, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11467. Adulteration of tomato puree. U. S. v. 23 Cases * * *. (F. D. C. No. 20372. Sample No. 45520–H.)

LIBEL FILED: June 27, 1946, District of Oregon.

ALLEGED SHIPMENT: On or about June 7, 1946, by Wellman-Peck & Co., from San Francisco, Calif.

PRODUCT: 23 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Portland, Oreg.

LABEL, IN PART: "Wellman Whole Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: October 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11468. Adulteration of tomato puree and tomato juice. U. S. v. 248 Cases, etc. (F. D. C. Nos. 20662, 20663, 20695. Sample Nos. 39995–H, 51261–H, 51262–H, 67310–H, 67311–H.)

LIBELS FILED: August 14 and 22, 1946, Eastern District of Arkansas, Western District of Missouri, and District of Minnesota.

ALLEGED SHIPMENT: On or about June 19, 22, and 26, 1946, by the Reagan Canning Co., from McAllen, Tex.

PRODUCT: 248 cases, each containing 48 10-ounce cans, of tomato puree at Little Rock, Ark.; 34 cases, each containing 48 10-ounce cans, and 390 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at St. Paul, Minn.; and 248 cases, each containing 24 1-pint, 2-fluid-ounce cans, and 73 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Kansas City, Mo.

LABEL, IN PART: "Tomato Puree Reagan's Brand," or "Tomato Juice Reagan's Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), both articles consisted in whole or in part of filthy substances by reason of the presence of fly eggs and maggots, and the puree consisted also in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material; and, Section 402 (a) (4), the articles had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: September 25 and December 16, 1946, and March 31, 1947. Default decrees of condemnation and destruction.

11469. Misbranding of tomato puree. U. S. v. 498 Cases * * *. (F. D. C. No. 20693. Sample No. 49606–H.)

LIBEL FILED: August 23, 1946, Western District of Louisiana.

ALLEGED SHIPMENT: On or about July 16, 1946, by the Delta Canning Co., from Raymondville, Tex.

PRODUCT: 498 cases, each containing 48 10½-ounce cans, of tomato puree at Shreveport, La.

LABEL, IN PART: "Frost Brand Tomato Puree."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard for tomato puree since it contained less than 8.37 percent of salt-free tomato solids.

DISPOSITION: November 5, 1946. The Delta Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency.

11470. Adulteration of tomato sauce. U. S. v. 2,984 Cases, etc. (F. D. C. Nos. 20654, 20841. Sample Nos. 56255–H, 67107–H.)

LIBELS FILED: On or about August 22 and September 9, 1946, Western District of Missouri.

ALLEGED SHIPMENT: On or about June 8, 22, and 25, 1946, by the St. Clair Foods Co., Ltd., from McAllen, Tex.

PRODUCT: 4,313 cases, each containing 48 8-ounce cans, of tomato sauce at Kansas City, Mo. Examination showed that both lots contained decomposed tomato material and that 1 lot contained fly eggs and larvae.

LABEL, IN PART: "Royal Rio Spanish Style Tomato Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance and (1 lot) a filthy substance.

DISPOSITION: December 6, 1946. The St. Clair Foods Co., Ltd., having admitted the allegations of the libels, and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

NUTS*

11471. Adulteration of brazil nuts, mixed nuts, and shelled filberts. U. S. v. 30 Bags of Brazil Nuts, etc. (and 4 other seizure actions). (F. D. C. Nos. 20431, 21785, 21865, 21948, 21990. Sample Nos. 59918–H, 60527–H, 60528–H, 65449–H, 65456–H, 70500–H.)

LIBELS FILED: Between the dates of July 26 and December 18, 1946, Southern District of California and Eastern and Western Districts of Pennsylvania.

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*See also No. 11351.

ALLEGED SHIPMENT: Between the approximate dates of February 21 and October 28, 1946, by William A. Camp, Inc., from New York, N. Y.

PRODUCT: 30 100-pound bags of brazil nuts and 77 50-pound bags of mixed nuts at Pittsburgh, Pa., 60 100-pound bags of brazil nuts at Philadelphia, Pa., and 16 110-pound bags of shelled filberts at Los Angeles, Calif. Examination showed that all 3 lots of brazil nuts contained moldy and rancid nuts, and the individual lots were found to contain either insect-infested or decomposed nuts, or empty shells. The lot of filberts was found to contain larvae, insect parts, and insect-damaged nuts. The mixed nuts contained brazil nuts that were in part insect-infested and moldy.

LABEL, IN PART: "American Beauty Brand Extra Fancy High Grade Mixed Nuts," "Ongan Shelled Filberts," "Tropical Brand New Crop Large Washed Brazils," or "Tropical Beauties New Crop Large Brazils."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy or decomposed substances, or both; and a portion of the brazil nuts was otherwise unfit for food by reason of the presence of empty shells.

DISPOSITION: Between the dates of December 24, 1946, and February 28, 1947, William A. Camp, Inc., New York, N. Y.; Donahoes, Inc., Pittsburgh, Pa.; Perloff Brothers, Inc., Philadelphia, Pa.; and the Morris Rosenberg Co., Los Angeles, Calif., having appeared as claimants for all lots except the 5-bag lot at Philadelphia, Pa., and having consented to the entry of decrees, judgments of condemnation were entered. The unclaimed lot was ordered destroyed. All of the other lots were ordered released under bond, conditioned that the unfit portions be segregated under the supervision of the Federal Security Agency.

11472. Adulteration of peanuts. U. S. v. 125 Bags * * *. (F. D. C. No. 20415. Sample No. 63961–H.)

LIBEL FILED: July 18, 1946, Northern District of New York.

ALLEGED SHIPMENT: On or about February 1, 1945, by the Bertie Peanut Co., Inc., from Roxobel, N. C.

PRODUCT: 125 90-pound bags of peanuts at Binghamton, N. Y.

LABEL, IN PART: "Bertie's Jumbo Handpicked Peanuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of filthy and decomposed substances by reason of the presence of wormy and moldy peanuts.

DISPOSITION: September 12, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11473. Adulteration of peanuts. U. S. v. 89 Bags * * *. (F. D. C. No. 21104. Sample No. 51559–H.)

LIBEL FILED: September 26, 1946, Northern District of Iowa.

ALLEGED SHIPMENT: On or about July 26, 1946, from Suffolk, Va.

PRODUCT: 89 120-pound bags of peanuts at Waterloo, Iowa, in possession of the Gamble Robinson Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta was observed on them. Examination showed that the product contained rodent excreta and rodent-gnawed peanuts.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4) it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 26, 1946. The Pacific Gamble Robinson Co., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the purpose of segregating the unfit portion and converting it into animal feed, or destroying it, under the supervision of the Food and Drug Administration.

11474. Adulteration of salted peanuts. U. S. v. 120 Boxes, etc. (F. D. C. Nos. 20633, 20884, 20885. Sample Nos. 43494–H, 61429–H, 61435–H.)

LIBELS FILED: August 16 and September 17 and 18, 1946, District of Utah and Western District of Washington.

ALLEGED SHIPMENT: On or about July 19, 1946, by the Harry P. Ritchie Co., from Los Angeles, Calif.

PRODUCT: Salted peanuts. 120 boxes at Cedar City, Utah, and 2⅔ cases at Seattle and 24 boxes at Tacoma, Wash. Each box contained 24 1¼-ounce bags of the product, and each case contained 24 boxes.

LABEL, IN PART: "Ritchie's Salted Nuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of mites, larvae, insect parts and fragments, insects, and insect excreta, and (1 lot) of a decomposed substance by reason of the presence of rancid peanuts; and, Section 402 (a) (4), (2 lots only) the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 27 and December 10 and 31, 1946. No claimant having appeared for any of the lots, judgments of condemnation were entered and the product was ordered destroyed. Destruction of the Cedar City lot was accomplished by feeding it to animals.

11475. Adulteration of shelled peanuts. U. S. v. 200 Bags * * *. (F. D. C. No. 20668. Sample No. 9849–H.)

LIBEL FILED: August 14, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about April 29, 1946, by the Ashburn Peanut Co., from Ashburn, Ga.

PRODUCT: 200 125-pound bags of shelled Spanish peanuts at Buffalo, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: September 13, 1946. Luther H. Pedler and Michael Karanas having appeared as claimants, judgment of condemnation was entered and the product was ordered released under bond, conditioned upon destruction of those portions that were wholly bad, and the fumigation, sifting, and hand picking of those portions that could be brought into compliance with the law by such means, under the supervision of the Food and Drug Administration

11476. Adulteration of shelled peanuts. U. S. v. 54 Bags * * *. (F. D. C. No. 20696. Sample No. 9850–H.)

LIBEL FILED: August 22, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about March 7, 1946, by the Georgia Peanut Shelling Plant, from Moultrie, Ga.

PRODUCT: 54 125-pound bags of shelled peanuts at Buffalo, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: September 13, 1946. The claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the segregation and the salvaging of the fit portion and the destruction of the bad portion, under the supervision of the Food and Drug Administration.

11477. Adulteration of shelled peanuts. U. S. v. 250 Bags * * *. (F. D. C. No. 20604. Sample No. 70601–H.)

LIBEL FILED: August 1, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about April 9, 1946, by the Headland Peanut Co., from Headland, Ala.

PRODUCT: 250 bags, each containing about 100 pounds, of shelled peanuts at Los Angeles, California.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested, rancid, and moldy peanuts.

DISPOSITION: August 21, 1946. The Jones Brokerage Co., Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law by segregation, cleaning, and sorting. On March 25, 1947, the decree was amended to permit disposition of the peanuts in the manufacture of oil, to be disposed of as edible or nonedible oil, as would be determined by the Food and Drug Administration.

11478. Adulteration of Spanish peanuts. U. S. v. 9 Bags * * *. (F. D. C. No. 21100. Sample No. 59063–H.)

LIBEL FILED: On or about October 2, 1946, District of Montana.

ALLEGED SHIPMENT: On or about January 29, 1946, from St. Paul, Minn.

PRODUCT: 9 127-pound bags of Spanish peanuts at Billings, Mont., in the possession of the Keil Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and insects and rodent excreta were observed on the surface of the bags. Examination showed that the product contained live insects, insect excreta, and rodent excreta.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 31, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11479. Adulteration of pecan halves. U. S. v. 4 Cartons * * *. (F. D. C. No. 20510. Sample No. 8919–H.)

LIBEL FILED: July 10, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about March 15, 1946, by the South Georgia Pecan Shelling Co., from Valdosta, Ga.

PRODUCT: 4 30-pound cartons of pecan halves at New York, N. Y.

LABEL, IN PART: "Amber Pecan Halves."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rancid pecans.

DISPOSITION: August 2, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11480. Adulteration of pecan halves. U. S. v. 3 Cartons * * *. (F. D. C. No. 20509. Sample No. 8918–H.)

LIBEL FILED: July 12, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about March 30, 1946, by the South Georgia Pecan Shelling Co., from Valdosta, Ga.

PRODUCT: 3 50-pound cartons of pecan halves at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rancid pecans.

DISPOSITION: August 2, 1946. Default decree of condemnation and destruction.

11481. Adulteration of pecan pieces. U. S. v. 2 Cartons * * *. (F. D. C. No. 20570. Sample No. 1878–H.)

LIBEL FILED: On or about August 1, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about May 11, 1946, by the Monticello Pecan Co., from Tallahassee, Fla.

PRODUCT: 2 60-pound cartons of pecan pieces at Atlanta, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect excreta, and insect-cut pecans.

DISPOSITION: September 9, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

OILS AND FATS

11482. Adulteration of mayonnaise. U. S. v. 115 Cases * * *. (F. D. C. No. 19437. Sample Nos. 1176–H, 1177–H.)

LIBEL FILED: March 16, 1946, Western District of North Carolina.

ALLEGED SHIPMENT: On or about January 25 and February 7, 1946, by James B. Harris, from Columbia, S. C.

PRODUCT: 115 cases, each containing 12 1-quart jars, of mayonnaise at Statesville, N. C.

LABEL, IN PART: "Caldwell's Mayonnaise Contains Oil * * * Made by Caldwell's Cafeteria, Columbia, S. C. Distributed by Dixie Produce Co., Columbia, S. C. * * * Made With Mineral Oil."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the 29-case-lot contained 65 percent, and the 86-case-lot contained 55 percent, of added mineral oil, a deleterious substance, which may have rendered the product injurious to health; and, Section 402 (b) (2), mineral oil had been substituted in whole or in part for edible oil, a normal constituent of mayonnaise.

DISPOSITION: On April 6, 1946, Fraley's Food Fair, Statesville, N. C., claimant, filed an answer admitting the presence of mineral oil, but denying the adulteration charge, and denying specifically that mineral oil is a deleterious substance, and denying further that vegetable oil is the only normal constituent of mayonnaise. Subsequently, counsel for the Government and the claimant entered into a stipulation, waiving trial by jury and agreeing that the only question that would be tried would be "Is mineral oil, when contained in mayonnaise in the proportions set forth in the libel, a deleterious substance which may render the mayonnaise injurious to health?"

On July 10, 1946, the case came on for trial before the court on the pleading, stipulation of facts, and affidavits filed on behalf of the Government and claimant. The court, after hearing the evidence, found the product adulterated as charged, condemned the product, and ordered it destroyed.

11483. Adulteration of mayonnaise. U. S. v. 18 Jars * * *. (F. D. C. No. 20738. Sample No. 65545–H.)

LIBEL FILED: On or about August 27, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about December 4, 1945, and March 5, 1946, by the Waldorf Food Products Co., from Philadelphia, Pa.

PRODUCT: 18 1-gallon jars of mayonnaise at Vineland, N. J.

LABEL, IN PART: "Waldorf Pure Mayonnaise Composed of egg yolk, salad oil, sugar, vinegar and spices."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained approximately 79 percent of added mineral oil, a deleterious substance, which may have rendered the product injurious to health; Section 402 (b) (1), a valuable constituent, an edible vegetable oil, had been in whole or in part omitted from the article; Section 402 (b) (2), a product containing mineral oil had been substituted wholly for mayonnaise, which contains edible vegetable oil and does not contain mineral oil; and, Section 402 (b) (4), mineral oil had been added to the product or mixed with it so as to reduce its quality or strength.

DISPOSITION: September 27, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11484. Adulteration of Merry-Maise (salad dressing). U. S. v. 144 Cases, etc. (and 5 other seizure actions). Cases consolidated. Tried to the court and jury; verdict for the Government. Decrees of condemnation and destruction. (F. D. C. Nos. 20571, 20739, 20786, 20997, 21011, 21219. Sample Nos. 11756–H, 57128–H, 57129–H, 57340–H, 57358–H, 57359–H, 57561–H, 57563–H, 57575–H, 57576–H.)

LIBELS FILED: Between the dates of July 31 and October 7, 1946, District of Maine and District of New Hampshire.

ALLEGED SHIPMENT: Between the approximate dates of June 11 and August 21, 1946, by the Suzanne Processed Oil Co., from Boston, Mass.

PRODUCT: Merry-Maise. 144 cases at Portland, Maine, 51 cases at Rockland, Maine, and 150 cases at Manchester, N. H. Each case contained from 4 to 24 jars of the product in gallon, quart, pint, and half-pint sizes.

LABEL, IN PART: (Jars) "Non-Nutritive Dressing for Salads for weight reducing diets Suzanne Merry-Maise."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the various lots of the article contained approximately 77 percent added mineral oil, a deleterious substance, which may have rendered the product injurious to health.

DISPOSITION: The Suzanne Processed Oil Co. appeared as claimant in each of the libel actions, filed answers denying the charges of adulteration, and demanded a jury trial of all issues of fact. The claimant requested removal of the two Maine actions to the District of New Hampshire for consolidation with

the four actions pending in that State. The District Court of the United States for the District of New Hampshire thereupon entered orders of removal and consolidation of the six actions, and the case came on for trial before the court and jury on January 14, 1947. At the conclusion of the trial, the court delivered the following charge to the jury:

CONNOR, *District Judge:* "The hour is late, but it is thought desirable to have this case submitted to you before we close for the day, and I don't think you will find the charge too lengthy or too time-consuming.

"These are actions, gentlemen, brought by the United States of America against a certain article which is described on the label as 'Non-Nutritive Dressing for Salads for Weight Reducing Diets Suzanne Merry-Maise. Ingredients: U. S. P. Mineral oil, eggs, salt, sugar and spices.'

"The procedure under which we are operating is known in Federal practice as one in Admiralty, and the process by which these actions are initiated is known as a libel. Altogether there are six libels against the above-described product, all designating various amounts of cases of containers of the product. Four of these so-called libels were brought within the District of New Hampshire and two were brought within the District of Maine, and the language in all the libels is essentially the same. The law permits consolidation of these cases when the same issues of adulteration are involved, and all have been, as I say, tried by you gentlemen in these actions.

"The charge as brought by the government is that the aforesaid article was adulterated in interstate commerce within the meaning of 21 USC 342, paragraph a, sub-paragraph 1, in that it contains approximately 77% added mineral oil, a deleterious substance which may render such article injurious to health. By reason thereof, it is alleged that the article is held illegally within the jurisdiction of this court, and is liable to seizure and condemnation.

"The claimant has admitted that each of the six lots of Suzanne Merry-Maise was shipped in interstate commerce, and has also admitted that the article contained at least 77% mineral oil.

"Suzanne Merry-Maise is a food within the meaning of 21 USC 321 (f), because it is a product used for food for man. The label on the product so indicates. A food sold under a distinctive name such as this product Merry-Maise is within the purview of the provisions of the law with respect to adulteration. In conformity with the complaint in the said libel, an order was issued directed to the United States Marshal, and thereunder he took into his possession the articles in question. All of the items of this merchandise have been shipped in interstate commerce from Boston, Massachusetts, into the District of New Hampshire and into the District of Maine.

"Suzanne Processed Oil Company, a corporation established by law with its principal place of business in Boston, the manufacturer of the article in question, comes into this court as claimant, and denies that the article contains a deleterious substance, and [denies that it] is liable to seizure and condemnation, as alleged by the government, and thus the issue is joined.

"It is the claim of the government that the article is adulterated, in that it bears or contains a deleterious substance which may render it injurious to health. This is denied by the claimant, and so the issue that will be submitted to you narrows itself to this proposal: Does the salad dressing which has been seized and proceeded against in these actions contain a deleterious substance which may render it injurious to health?

"Possibly this language needs further amplification. The word 'may' is here used in its ordinary and usual significance. It connotes a tendency or possibility that if the substance complained against may possibly injure the health of any user, it comes within the ban of the statute. If it cannot by any possibility, when the facts are reasonably considered, injure the health of any consumer, even though it contains a small addition of deleterious ingredient, such product may not be condemned under the law. The word 'deleterious' as used in the statute means harmful, destructive, noxious, pernicious.

"It is not the contention of the government that the mineral oil which is present in the Merry-Maise is a poisonous substance, and there is no evidence in this case that it is. The government does contend that the mineral oil in the Merry-Maise is a deleterious substance which may render the article injurious to health.

"The burden is upon the United States of America to establish that the added deleterious ingredient may render the product injurious to health. Merry-Maise may be consumed as a food by the strong and the weak, the old and the

young, the well and the sick, and if it may possibly injure the health of any of these, it comes within the ban of the statute.

"The government is required under its burden of proof to prove its case by a preponderance of the evidence. You are instructed that the mineral oil in this dressing is an added substance within the meaning of the statute.

"As to the deleterious nature of the added mineral oil, it is not necessary for the United States of America to prove that mineral oil as such under all circumstances is a deleterious substance. The United States of America need only show that the mineral oil in Merry-Maise is a deleterious substance.

"This is an action *in rem*, that is, the action is against the thing—in this case, against the various lots of Merry-Maise. The theory of the law is that the seized articles of food have themselves violated the law. If you find that the seized articles are adulterated, a decree of condemnation will be entered against the goods. No penalties will attach or be assessed against any individual or corporation.

"You have had before you, gentlemen, a number of witnesses who have taken contra positions in almost every instance. Your function as jurymen is to decide upon a question of fact and apply the law to that fact. But in the present instance you are primarily concerned with a finding of fact, because that is what will be submitted to you as your first duty. Now in order to determine facts, of course it is necessary for you gentlemen to weigh the evidence, and that evidence is adduced either in the process of testimony on the stand or exhibits, such as have been offered here, and you are to consider that testimony in arriving at your final conclusion.

"In determining the evidence, it becomes necessary for you to consider the testimony of the witness, whether or not he appears to be telling the truth, to what extent you feel that his testimony is entitled to full credence, and whether or not he has any interest in the outcome of this case; whether he is simply an interested witness or, as I say, one who might have a definite interest in the outcome of this litigation. All of those factors are to be considered, gentlemen, in determining what your finding is to be.

"Now there will be submitted to you in this case what is known as a Special Verdict. It will be in effect an inquiry for you gentlemen to determine whether or not this article in question contains any deleterious matter which may be injurious to the health of a human being. Now you will be asked to answer either Yes or No, and there will be a place set forth on the blank for your answer, and also a place for the signature of the Foreman.

"Now you will have with you these various exhibits. You are to make such use of them as you think they entitle you to make.

"And the question—I will read it from the blank, so there will be no misunderstanding, is as follows, gentlemen:

Does the Merry-Maise salad dressing involved in these actions which has been seized by the Federal government contain a deleterious substance which may render the product injurious to the health of a human being? Answer Yes or No.

A place is reserved for your answer and a place is reserved for your signature, Mr. Foreman. When you have arrived at your answer, and when you have concluded your duties, you will notify the Marshal, who will have you in charge, and be brought back into open court."

On January 23, 1947, the jury returned a verdict for the Government. On February 28, 1947, in accordance with the verdict, judgments of condemnation were entered and all lots of the product were ordered destroyed.

11485. Adulteration of salad dressing. U. S. v. 15 Cases * * *. (F. D. C. No. 21346. Sample No. 15471–H.)

LIBEL FILED: On October 23, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 29, 1945, by Old World Foods, Inc., and the Empire Freight Co., Inc., from Los Angeles, Calif.

PRODUCT: 15 cases, each containing 24 1-pint jars, of salad dressing at Chicago, Ill.

LABEL, IN PART: Barra's Low-Calory Dressing Prepared by the Barra Co., Los Angeles, California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained 55.24 percent of mineral oil, a deleterious substance, which may have rendered the product injurious to health.

DISPOSITION: On or about February 1, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed; otherwise, the product was to be destroyed.

11486. Adulteration of salad dressing. U. S. v. 32 Cartons, etc. (F. D. C. Nos. 20589, 20798, 21002. Sample Nos. 57066–H, 57339–H, 57565–H.)

LIBELS FILED: On or about July 26 and September 11 and 16, 1946, District of Vermont and District of New Hampshire.

ALLEGED SHIPMENT: Between the approximate dates of June 11 and August 9, 1946, by the Jay Food Products Co., from Boston, Mass.

PRODUCT: Salad dressing. 32 cartons, each containing 12 1-quart jars, at Rutland, Vt.; and 74 cases, each containing 24 8-ounce jars, and 16 cases, each containing 12 16-ounce jars, at Manchester, N. H.

LABEL, IN PART: "Hollywood Slimmaise * * * For Salads * * * Contains Non-nutritive, high grade mineral oil, U. S. P."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained approximately 79 percent added mineral oil, a deleterious substance, which may have rendered the product injurious to health.

DISPOSITION: November 20, 1946, and June 10, 1947. No claimant having appeared for the Rutland lot, and the sole intervener having withdrawn his claim for the Manchester lot, judgments of condemnation were entered and the product was ordered destroyed.

11487. Adulteration and misbranding of French Style Dressing. U. S. v. 49 Cases, etc. (and 4 other seizure actions). (F. D. C. Nos. 20603, 20880 to 20882, incl., 21008, 21017, 21331. Sample Nos. 1682–H, 25792–H, 25793–H, 47958–H to 47960–H, incl., 49682–H, 64028–H.)

LIBELS FILED: Between August 1 and October 18, 1946, District of Connecticut, District of Colorado, Southern District of Texas, and Middle District of North Carolina.

ALLEGED SHIPMENT: Between the approximate dates of June 11 and September 15, 1946, by Clyde Collins, Inc., from Memphis, Tenn.

PRODUCT: 1,248 cases of French Style Dressing at Houston, Tex., Denver, Colo., Salisbury, N. C., and Hartford, Conn. Some of the cases contained 4 1-gallon bottles, and others contained 12 or 24 1-pint bottles, 24 6-fluid-ounce bottles, or 36 2¼-fluid-ounce bottles.

LABEL, IN PART: "Chef's [or "Collins"] French Style Dressing."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, oil, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a), the label designation "French Style Dressing" was false and misleading as applied to a product which contained no oil in some of the lots and an insignificant amount in the remainder.

DISPOSITION: October 14 and November 7 and 21, 1946. Clyde Collins, Inc., claimant for the four Denver lots, having consented to the entry of decrees, and no claimant having appeared for the remaining lots, judgments of condemnation were entered. It was ordered that the Denver lots be released under bond for relabeling under the supervision of the Federal Security Agency; that the Salisbury lot be destroyed; and that the Houston and Hartford lots be delivered to charitable organizations.

SPICES, FLAVORS, AND SEASONING MATERIALS

11488. Adulteration of ground paprika. U. S. v. 4 Drums * * *. (F. D. C. No. 20747. Sample No. 8850–H.)

LIBEL FILED: August 23, 1947, Eastern District of New York.

ALLEGED SHIPMENT: On or about June 6, 1946, by the Carolina Paprika Mills, from Dillon, S. C.

PRODUCT: 4 300-pound drums of ground paprika at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, and fragments resembling rodent excreta.

DISPOSITION: June 17, 1947. Default decree of condemnation and destruction.

11489. Adulteration and misbranding of black pepper. U. S. v. 511 Cards * * *. (F. D. C. No. 21235. Sample No. 5000–H.)

LIBEL FILED: October 9, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 11, 1946, by Nash Food Products, from Nashville, Tenn. This was a return shipment.

PRODUCT: 511 cards, each containing 12 ¾-ounce packages, of black pepper at Philadelphia, Pa., in possession of Penn Food Distributors.

LABEL, IN PART: (Cards) "Di Rita's Pure Black Pepper * * * Packed by Di Dita Food Products Phila., Pa."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance consisting essentially of salt, ground shells, starch material, and pepper had been substituted in whole or in part for pure black pepper.

Misbranding, Section 403 (a), the designation "Pure Black Pepper" was false and misleading as applied to a mixture of salt, ground shells, starch material, and pepper.

DISPOSITION: November 7, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11490. Adulteration and misbranding of black pepper. U. S. v. 100 Cards, etc. (F. D. C. No. 21108. Sample Nos. 35581–H, 35582–H.)

LIBEL FILED: October 1, 1946, Western District of Tennessee.

ALLEGED SHIPMENT: On or about August 27 and 28, 1946, by J. J. Brodsky & Sons, from Chicago, Ill.

PRODUCT: Black pepper. 250 cards, each containing 24 1-ounce packages, at Memphis, Tenn.

LABEL, IN PART: "Gee! Zee Finest Black Pepper Gee Zee Food Products Co. * * * Chicago, Ill.," or "Shure Good Brand Black Pepper Packed by Sure Foods Specialty Co., Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of ground soyabeans, wheat, and a small amount of pepper had been substituted in whole or in part for black pepper.

Misbranding, Section 403 (a), the designation "Black Pepper" was false and misleading.

DISPOSITION: November 4, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11491. Adulteration and misbranding of black pepper. U. S. v. 13 Cards * * *. (F. D. C. No. 21148. Sample No. 15149–H.)

LIBEL FILED: October 7, 1946, Western District of Michigan.

ALLEGED SHIPMENT: On or about September 4 and 9, 1946, by the D & D Distributing Co., from Belmont Food Distributors, Chicago, Ill.

PRODUCT: 13 cards, each containing 24 ¾-ounce packages, of black pepper at Grand Rapids, Mich.

LABEL, IN PART: "Damore Brand Pure Black Pepper Packed by Damore Spice Company, Chicago, Illinois."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), black pepper containing large amounts of ground cottonseed hulls, buckwheat hulls, soybean hulls, and wheat flour had been substituted in whole or in part for black pepper; and, Section 402 (b) (4), ground cottonseed hulls, buckwheat hulls, soybean hulls, and wheat flour had been added to the article, or mixed or packed with it, so as to increase its bulk or weight or reduce its quality or strength.

Misbranding, Section 403 (a), the label statement "Pure Black Pepper" was false and misleading; and, Section 403 (i) (2), the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each of its ingredients, since ground cottonseed hulls, buckwheat hulls, soybean hulls, and wheat flour were not declared.

DISPOSITION: November 7, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11492. Adulteration and misbranding of black pepper. U. S. v. 370 Cards * * *. (F. D. C. No. 21145. Sample No. 35586–H.)

LIBEL FILED: October 4, 1946, Western District of Tennessee.

ALLEGED SHIPMENT: On or about September 12, 1946, by Belmont Food Distributors, from Chicago, Ill.

PRODUCT: 370 cards, each containing 24 packages, of black pepper at Memphis, Tenn. Each package contained approximately ¾ ounce of the product.

LABEL, IN PART: "Damore Brand Pure Black Pepper, Packed by Damore Spice Company, Chicago, Illinois."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), wheat flour, ground soyabean hulls, and cottonseed hulls, with a small amount of pepper, had been substituted in whole or in part for black pepper; and, Section 402 (b) (4), wheat flour, ground soyabean hulls, and cottonseed hulls had been added to the article and mixed and packed with it so as to increase its bulk and weight and reduce its quality and strength.

Misbranding, Section 403 (a), the label statement "Pure Black Pepper" was false and misleading; Section 403 (e) (2), the label failed to bear an accurate statement of the quantity of the contents; and, Section 403 (i) (2), it failed to bear the common or usual name of each ingredient, since wheat flour, ground soyabean hulls, and cottonseed hulls were not declared.

DISPOSITION: November 7, 1946. Default decree of condemnation and destruction.

11493. Adulteration of salt. U. S. v. 340 Bags, etc. (F. D. C. No. 20684. Sample Nos. 47685–H, 47686–H.)

LIBEL FILED: August 27, 1946, Northern District of Texas.

ALLEGED SHIPMENT: On or about March 30 and June 10 and 22, 1946, from Hutchinson, Kans.

PRODUCT: 340 25-pound bags and 493 100-pound bags of salt at Lubbock Tex., in possession of the J. M. Radford Grocery Co. The product had been stored under insanitary conditions after shipment. Rodent pellets and urine stains were observed on the bags, and examination showed that the product was contaminated with urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 19, 1946. The J. M. Radford Grocery Co., claimant, having admitted the facts set forth in the libel, judgment of condemnation was entered and the product was ordered released under bond for disposition in accordance with the law, under the supervision of the Food and Drug Administration.

11494. Adulteration of salt. U. S. v. 15 Bags, etc. (F. D. C. No. 20670. Sample Nos. 60183–H, 60184–H.)

LIBEL FILED: August 16, 1946, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 1, 1945, and January 9, 1946, from Chicago, Ill., and Silver Springs, N. Y.

PRODUCT: Salt. 15 100-pound bags and 22 25-pound bags at Erie, Pa., in possession of the C. A. Curtze Co. The article was stored under insanitary conditions after shipment. Rodent urine stains were observed on the bags, and examination showed that the 15-bag lot of the product contained rodent pellets and rodent hair fragments, and that the 22-bag lot contained urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 16, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11495. Adulteration of sausage seasoning. U. S. v. 2 Barrels * * *. (F. D. C. No. 20656. Sample No. 49688–H.)

LIBEL FILED: August 14, 1946, Southern District of Texas.

ALLEGED SHIPMENT: On or about August 26 and November 9, 1945, by the A. C. Legg Packing Co., Inc., from Birmingham, Ala.

PRODUCT: 2 barrels, each containing approximately 400 8¼-ounce bags, of sausage seasoning at Houston, Tex.

LABEL, IN PART: "Legg's Old Plantation Pork Sausage Seasoning."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

DISPOSITION: October 14, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS FOODS

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES

11496. Adulteration and misbranding of Vee-Mor. U. S. v. 283 Cartons * * *. (F. D. C. No. 20588. Sample No. 38992–H.)

LIBEL FILED: July 29, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 16, 1945, by L. N. Lebold & Co., from Rochester, N. Y.

PRODUCT: 143 cartons, each containing 1 8-ounce jar, and 140 cartons, each containing 1 18-ounce jar, of Vee-Mor at Chicago, Ill.

LABEL, IN PART: "Vee-Mor, a combination of proteins, vitamins, calcium, phosphorus and carbohydrates."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamins A and D, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statements "Each 33 grams (approximate suggested daily dosage) contains: Vitamin A (natural ester) I. U. 4000, Vitamin D (A. R. P. I. process) I. U. 400, the suggested daily dosage 4 teaspoonfuls (33 grams approximate) will supply the adult minimum daily requirements of Vitamin A and D" were false and misleading since the product contained less than the stated amount of vitamins A and D and would not provide the stated proportions of the minimum daily requirements for those vitamins.

DISPOSITION: November 6, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

11497. Misbranding of Autry's Minerals. U. S. v. 1,400 Packages, etc. (F. D. C. No. 20714. Sample No. 67303–H.)

LIBEL FILED: August 16, 1946, District of Kansas.

ALLEGED SHIPMENT: The product was shipped by the Natural Minerals Co., from Hollywood, Calif., on or about June 12, 1946. The letters and booklets were shipped on or about June 28 and July 11, 1946, respectively, from Denver, Colo., on instructions from the Natural Minerals Company.

PRODUCT: 1,400 $10-size packages and 1,000 $5-size packages of Autry's Minerals, a quantity of form letters headed "The Mineral Sales Company, Inc.," and several thousand booklets entitled "To Your Health," at Wichita, Kans.

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements appearing in the circular letters and booklets accompanying the article were false and misleading.

The libel alleged also that the labeling of the article misbranded the product under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2129, in which is set forth the nature of the false and misleading claims.

DISPOSITION: November 18, 1946. The Mineral Sales Co., Inc., Wichita, Kans., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency. The booklets and form letters were destroyed in the process of relabeling.

11498. Misbranding of Singer's Earth Crust Minerals. U. S. v. 140 Bags, etc. (F. D. C. No. 15267. Sample No. 23601–H.)

LIBEL FILED: February 12, 1945, Western District of Texas.

ALLEGED SHIPMENT: On or about October 17, 1944, from Barrington, Ill., by the Chain of Lakes Duck Farm.

PRODUCT: 140 100-pound bags of Singer's Earth Crust Minerals at Nixon, Tex., together with 4,000 circulars entitled "Singer's Earth Crust Minerals" and a placard headed "Livestock and Poultry Raisers."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the labeling of the article were false and misleading.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2248, in which are set forth the analysis of the article and the nature of the false and misleading statements referred to above.

DISPOSITION: May 9, 1947. E. A. Singer, Barrington, Ill., claimant, having consented to the entry of a decree, judgment was entered ordering that the product be released under bond, conditioned upon the destruction, or the changing and the reprinting, of the circulars and placard to conform with the law, under the supervision of the Food and Drug Administration.

11499. Misbranding of Sol-A-Min. U. S. v. 366 Packages * * *. (F. D. C. No. 20536. Sample Nos. 52567–H to 52569–H, incl.)

LIBEL FILED: July 15, 1946, Western District of Kentucky.

ALLEGED SHIPMENT: On or about May 20 and June 10 and 11, 1946, by Universal Drug Products, Inc., from Cleveland, Ohio.

PRODUCT: 366 assorted 10-ounce and 12-ounce packages of Sol-A-Min at Louisville, Ky.

LABEL, IN PART: "Sol-A-Min A Vitamin and Mineral Dietary Supplement including Vitamin B Complex."

NATURE OF CHARGE: Misbranding, Section 403 (f), the common or usual name of each ingredient and the proportions of the minimum daily requirements for vitamins A, B_1, B_2, C, and D, and of the minerals calcium, phosphorus, iron, and iodine supplied by the article, and the amounts of niacin, vitamin B_6, and calcium pantothenate in the recommended daily intake, were not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, and devices on the label) as to render such information likely to be read and understood by the ordinary individual under customary conditions of purchase and use, since it was in small type, difficult to read, whereas the other statements and designs were prominently placed on the label.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2059.

DISPOSITION: January 6, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11500. Misbranding of Vitawafers and Alkawafers. U. S. v. 3 Dozen Boxes * * *. (F. D. C. No. 12678. Sample No. 79542–F.)

LIBEL FILED: June 12, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about May 22, 1944, from San Francisco, Calif., by Arla Calve.

PRODUCT: 3 dozen boxes of Vitawafers and Alkawafers at Washington, D. C. Examination indicated that the articles had essentially the composition declared on the label, and that the Alkawafers would also provide calcium, phosphorus, and iron.

LABEL, IN PART: "Arla Calve Vitawafers and Alkawafers * * * 60 Vitawafers and 21 Alkawafers. Each vitamin contains Vitamin B_1, 100 Int. Units; vitamin B_2 (G), 50 micrograms; niacinamide, 500 micrograms; calcium pantothenate, 5 micrograms; pyridoxion (B_6), 51 micrograms; vitamin D, 100 Int. Units; plus irradiated yeast, cinnamon, succorose malt. Each Alkawafer contains: calcium gluconate, sodium bicarbonate, plus vegetable binder."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in circulars entitled "The Easy Weigh to Slenderness" and "Arla Calve Reducing Regimen," which were shipped with the articles, were false and misleading. These statements represented and suggested that the articles would be effec-

tive to cause loss of body weight, to compensate when used as directed for all dietary deficiencies that may result from diminished food intake, and to insure body vigor, health, and freedom from disease. The articles would not be effective for such purposes.

Further misbranding, Section 403 (j), (Alkawafers) the article purported to be and was represented as a food for special dietary uses by man by reason of its calcium, phosphorus, and iron content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement of calcium, phosphorus, and iron supplied by a specified quantity of the product when consumed during a period of one day; and, Section 403 (f), the statement of ingredients required by Section 403 (i) (2) and the information regarding the vitamin and mineral properties of the respective articles, required by the regulations promulgated under Section 403 (j), were not prominently placed on the label of the articles with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since the information appeared inconspicuously on the side panels of the containers of the articles.

DISPOSITION: Arla Calve, claimant, having filed a motion for the removal of the case to the Northern District of California, a stipulation for such removal was entered into between the claimant and the United States Attorney, and the case was ordered removed on June 18, 1945. Following such removal, the claimant consented to the entry of a decree, and judgment of condemnation was entered and the products were ordered destroyed.

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[2] (11372) Permanent injunction issued.

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[2] (11372) Permanent injunction issued.
[3] (11465) Seizure contested. Contains opinion of the court.

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[2] (11372) Permanent injunction issued.

ERRATA

F. N. J. No. 7176 is hereby canceled; it was issued in error. The product involved was included in F. N. J. No. 6980.

F. N. J. 10501, DISPOSITION, line 3: In the sentence beginning "The fines were remitted," insert after "fines" the words "of the individual defendants."

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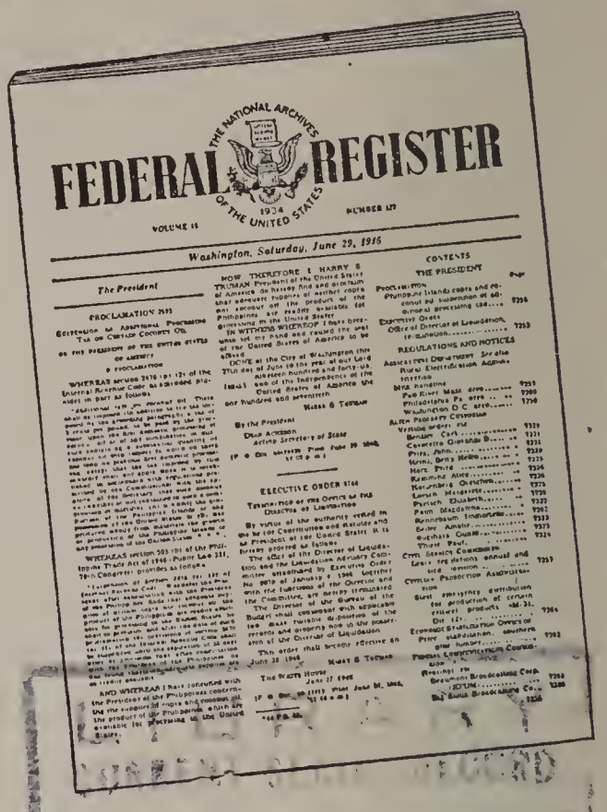
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2. Substantive rules and statements of general policy or interpretations,
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VOLUME 11 NUMBER 127

Washington, Saturday, June 29, 1946

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EXECUTIVE ORDER

Termination of the Office of the Director of Legislative

By virtue of the authority vested in me by the Constitution and statutes and as President of the United States, it is hereby ordered as follows:

The office of the Director of Legislative and Executive Orders established by Executive Order No. 9070 of January 1, 1942, is hereby terminated.

The Director of the Bureau of the Budget shall consider such records and property now in the possession of the Director of Legislative and Executive Orders as he may deem necessary for the purposes of the Bureau of the Budget and shall dispose of such records and property not so considered necessary for the purposes of the Bureau of the Budget in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

This order shall become effective on June 28, 1946.

HARRY S. TRUMAN

The White House,
June 27, 1946.

SEP 14 1948

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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

11501–11700

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

OSCAR R. EWING, *Administrator, Federal Security Agency.*

WASHINGTON, D. C., *February 26, 1948.*

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BEVERAGES AND BEVERAGE MATERIALS

11501. Adulteration of coffee. U. S. v. Birdsey Flour Mills. Plea of nolo contendere. Fine, $200. (F. D. C. No. 20943. Sample Nos. 1843–H, 54501–H, 54512–H, 54607–H.)

INFORMATION FILED: October 24, 1946, Middle District of Georgia, against Birdsey Flour Mills, a corporation, Macon, Ga.

ALLEGED SHIPMENT: Between the approximate dates of March 5 and May 13, 1946, from the State of Georgia into the States of South Carolina and Florida.

LABEL, IN PART: "Birdsey's 100% Pure Fairplay Coffee."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent excreta pellet fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 4, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $50 on each of the 4 counts.

11502. Adulteration of beer. U. S. v. 1,703 Cases * * *. (F. D. C. No. 20865. Sample No. 38888–H.)

LIBEL FILED: October 18, 1946, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about September 28, 1946, by the Van & Banister Co., from Monroe, La. This was a return shipment.

PRODUCT: 1,703 cases, each containing 24 12-ounce bottles, of beer at Watertown, Wis., in possession of the Hartig Co.

LABEL, IN PART: "Wisconsin Premium Beer Bottled by the Hartig Company, Watertown, Wis."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, monochloracetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice; and, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 29, 1946. The Hartig Co. having appeared as claimant and having admitted the facts of the libel, judgment of forfeiture was entered and the product was ordered destroyed.

11503. Adulteration of beverages. U. S. v. 7 Cases, etc. (F. D. C. No. 20824. Sample Nos. 67320–H, 67321–H.)

LIBEL FILED: August 29, 1946, District of Kansas.

ALLEGED SHIPMENT: On or about July 27 and 30, 1946, by the Nesbitt Bottling Co., from Kansas City, Mo.

PRODUCT: 7 cases, each containing 15 bottles, of a strawberry beverage and 19 cases, each containing 15 bottles, of a cola beverage at Kansas City, Kans.

LABEL, IN PART: "Big Red Strawberry Artificial Color & Flavor," or "Double Cola."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, sugar, had been in part omitted from the articles; and, Section 402 (b) (4), a substance, saccharin, having no food value had been added to, and mixed and packed with, the articles so as to reduce their quality or strength.

DISPOSITION: November 25, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11504. Adulteration of root beer sirup. U. S. v. 20 Cases * * *. (F. D. C. No. 21195. Sample Nos. 15400–H, 53072–H.)

LIBEL FILED: On or about October 30, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 29, 1946, by J. F. McKillip, from Sandusky, Ohio.

PRODUCT: 20 cases, each containing 4 1-gallon jugs, of root beer sirup at Chicago, Ill.

LABEL, IN PART: "True Extract Flavored Frank's Genuine Root Beer Fountain Syrup * * * Prepared for Joseph Archer & Son."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product sweetened in part with a nonnutritive ingredient, saccharin, had been substituted in whole or in part for root beer sirup containing sugar.

DISPOSITION: January 22, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11505. Adulteration of fountain sirups. U. S. v. 78 Cases, etc. (F. D. C. No. 21025. Sample Nos. 63455–H to 63459–H, incl.)

LIBEL FILED: On or about September 25, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about July 25 and 29, 1946, by the Myer Concentrate and Flavor Co., from Bronx, N. Y.

PRODUCT: 78 cases, each containing 4 1-gallon jugs, of fountain sirups and 1 50-gallon drum of fountain sirup at Long Branch, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of dirt; Section 402 (b) (2), fountain sirups containing saccharin had been substituted for fountain sirups containing sugar, which the products were represented to

be; and, Section 402 (b) (4) saccharin, having no food value, had been added to the article and mixed and packed with it so as to reduce its quality or strength.

DISPOSITION: January 27, 1947. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

11506. Adulteration of imitation fruit sirup. U. S. v. 41 Cases, etc. (F. D. C. No. 20799. Sample Nos. 56752–H, 56753–H.)

LIBEL FILED: September 12, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about June 12, 18, and 25, 1945, by the Atlantic Food Packing Co., from Trenton, N. J.

PRODUCT: 102 cases, each containing 24 1-pint bottles, of imitation fruit sirup at Worcester, Mass. Examination showed that the product was fermented.

LABEL, IN PART: "Imitation Punch [or "Strawberry"] Frute-Ade Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 21, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11507. Adulteration and misbranding of raspberry sirup. U. S. v. 130 Cases * * *. (F. D. C. No. 20775. Sample No. 65356–H.)

LIBEL FILED: August 30, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 25 and May 3, 1946, by Silver Hill Products, Inc., from Brooklyn, N. Y.

PRODUCT: 130 cases, each containing 24 1-pint jars, of raspberry sirup at Philadelphia, Pa. The product was a mixture of water, sugar or sugars, and raspberry juice, preserved with benzoate of soda. In addition, it was short-volume.

LABEL, IN PART: "Contents 1 Pint Dutchess Natural Fruit Raspberry Syrup * * * Ingredients: Cane Sugar, Raspberries, Raspberry Juice."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of water, sugar or sugars, and raspberry juice, preserved with benzoate of soda, had been substituted for "Natural Fruit Raspberry Syrup," a sirup made from raspberries and sugar.

Misbranding, Section 403 (e) (2), the article failed to bear labeling containing an accurate statement of the quantity of the contents since the label statement "Contents 1 Pint" was inaccurate; Section 403 (i) (2), the label of the article failed to bear the common or usual name of each of its ingredients, since water and benzoate of soda were not declared; and, Section 403 (k), the article contained benzoate of soda, a chemical preservative, and failed to bear labeling stating that fact.

DISPOSITION: September 30, 1946. Silver Hill Products, Inc., Brooklyn, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

11508. Adulteration of orange concentrate. U. S. v. 77 Cases, etc. (F. D. C. No. 20832. Sample Nos. 63446–H, 63447–H.)

LIBEL FILED: September 3, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about August 16, 1946, by the El Sparr Springs Beverage Co., from Woodbridge, N. J.

PRODUCT: 77 cases, each containing 4 1-gallon jugs, and 8 50-gallon barrels of orange concentrate at Cincinnati, Ohio.

LABEL, IN PART: "Sunee-Orange Concentrate," or "Sun-Y-Juice Concentrate."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, quaternary ammonium compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice.

DISPOSITION: October 2, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11509. Adulteration of prune juice. U. S. v. 683 Cases * * *. (F. D. C. No. 20819. Sample No. 59924–H.)

LIBEL FILED: September 3, 1946, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 29, 1946, by the Pan American Food Products Co., from Chicago, Ill.

PRODUCT: 683 cases, each containing 12 1-quart bottles, of prune juice at Pittsburgh, Pa.

LABEL, IN PART: "Pan American Brand Prune Juice Unsweetened."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, monochloracetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and could have been avoided by good manufacturing practice.

DISPOSITION: October 16, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11510. Adulteration of tomato juice. U. S. v. 213 Cases, etc. (F. D. C. Nos. 20831, 21109, 21154. Sample Nos. 28911–H, 48964–H, 56285–H.)

LIBELS FILED: On or about September 4 and 30 and October 7, 1946, Western District of Missouri and Middle District of Alabama.

ALLEGED SHIPMENT: On or about June 22, 25, and 28, 1946, by the Border Packing Corp., Brownsville, Tex.

PRODUCT: Tomato Juice. 213 cases at Montgomery, Ala., and 49 cases at St. Joseph, Mo., each case containing 25 1-pint, 2-fluid-ounce cans, and 709 cases at Columbia, Mo., each case containing 12 1-quart, 14-fluid-ounce cans.

LABEL, IN PART: "Lady Royal Tomato Juice," or "Del Haven Brand Tomato Juice * * * Packed for Federated Foods, Inc., San Francisco Chicago."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

DISPOSITION: October 15, November 20, and December 7, 1946. Default decrees of condemnation and destruction.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

11511. Adulteration of bakery products. U. S. v. M. Kautz Baking Co. and Roy F. Kautz, Sr. Pleas of guilty. Fines of $350 and costs against each defendant. (F. D. C. No. 20926. Sample Nos. 50801–H, 50802–H, 50804–H, 51098–H to 51100–H, incl.)

INFORMATION FILED: October 29, 1946, Southern District of Iowa, against the M. Kautz Baking Co., a partnership, Muscatine, Iowa, and Roy F. Kautz, Sr., a partner.

ALLEGED SHIPMENT: June 19, 1946, from the State of Iowa into the State of Illinois.

LABEL, IN PART: "Kautz's Enriched Holsum Bread [or "Pan Rolls," "Buns," "Doughnuts," or "Parkerhouse Rolls"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: October 29, 1946. Pleas of guilty having been entered on behalf of the defendants, the court imposed a fine of $175 against each defendant on each count, a total fine of $700, plus costs.

11512. Adulteration of bakery products. U. S. v. Neuman's, Inc. (Cal-Ray Bakeries), Donald G. Neuman, Leland J. Davis, and John Adrian. Pleas of nolo contendere. Corporate defendant fined $500; each individual defendant fined $2. (F. D. C. No. 20922. Sample Nos. 44249–H, 44250–H.)

INFORMATION FILED: October 15, 1946, Southern District of California, against Neuman's, Inc., trading as Cal-Ray Bakeries, Glendale, Calif., and Donald G.

Neuman, president, Leland J. Davis, secretary, and John Adrian, plant superintendent.

ALLEGED SHIPMENT: On or about March 4, 1946, from the State of California into the State of Arizona.

LABEL, IN PART: "Cal-Ray Cookies Chocolate Eclairs [or "Graham Toffee"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: November 25, 1946. Pleas of nolo contendere having been entered on behalf of the defendants, the court imposed a fine of $500 against the corporate defendant and a fine of $2 against each of the individual defendants.

11513. Adulteration of cakes. U. S. v. Grandma Baking Co. and William J. Young. Pleas of guilty. Total fines, $400. (F. D. C. No. 20443. Sample Nos. 44501–H, 44502–H.)

INFORMATION FILED: July 29, 1946, Southern District of California, against the Grandma Baking Co., a corporation, Los Angeles, Calif., and William J. Young, an officer of the corporation.

ALLEGED SHIPMENT: On or about December 26, 1945, from the State of California into the States of Arizona and New Mexico.

LABEL, IN PART: "Grandma's Crinkle [or "Apple Sauce"] Cakes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent hairs; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: August 30, 1946. Pleas of guilty having been entered, each defendant was fined $100 on each of the 2 counts of the information.

11514. Adulteration of bread, rolls, and cakes. U. S. v. Martin Baking Co., a partnership, and Meyer Herman. Pleas of guilty. Fines of $1,000 against the partnership and $500 against the individual. F. D. C. No. 20982. Sample Nos. 51729–H, 51732–H, 51734–H, 51735–H, 51740–H, 51741–H, 51744–H, 51746–H, 51749–H.)

INDICTMENT RETURNED: January 3, 1947, District of Minnesota, against the Martin Baking Co., St. Paul, Minn., and Meyer Herman.

ALLEGED SHIPMENT: On or about August 15 and 16, 1946, from the State of Minnesota into the State of Wisconsin.

LABEL, IN PART: "Enriched Martin's Family Special Bread," "Enriched Jumbo Bread," "Rye Bread," "Martin's Special Rolls," "Raisin White Bread," "Special Vienna Bread," "Martin's Quality Family Cakes Special," "Martin's Tea Biscuits," "Martin's Coney Island Buns," and "Martin's Sandwich Buns."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: March 6, 1947. Pleas of guilty having been entered, the court imposed fines of $1,000 against the partnership and $500 against the individual.

11515. Adulteration of cookies. U. S. v. Percy W. Moles (Heart of America Baking Co.). Plea of nolo contendere. Fine, $50 and costs. (F. D. C. No. 20966. Sample Nos. 36024–H, 36025–H, 56523–H to 56525–H, incl.)

INFORMATION FILED: November 15, 1946, Western District of Missouri, against Percy W. Moles, trading as the Heart of America Baking Co., Kansas City, Mo.

ALLEGED SHIPMENT: On or about March 29, April 28, and May 14, 15, and 21, 1946, from the State of Missouri into the State of Kansas.

LABEL, IN PART: "Sweetheart Sandwich Cookies [or "Fancy Assorted Cookies"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of rodent hairs, rodent

hair fragments, rodent excreta, insects, insect parts, insect fragments, larvae, and larvae fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: December 30, 1946. The defendant having entered a plea of nolo contendere, the court imposed a fine of $10 on each count, a total fine of $50, plus costs.

11516. Adulteration of tea cakes and misbranding of brown sauce. U. S. v. Peter S. Hyun (Oriental Food Products Co.). Plea of nolo contendere. Fine, $502. Defendant placed on probation for 1 year. (F. D. C. No. 20456. Sample Nos. 25662–H, 25663–H, 25666–H, 47463–H.)

INFORMATION FILED: September 17, 1946, Southern District of California, against Peter S. Hyun, trading as the Oriental Food Products Co., Los Angeles, Calif.

ALLEGED SHIPMENT: On or about December 20 and 26, 1945, from the State of California into the State of Utah.

LABEL, IN PART: "Jan-U-Wine Rice Fortune & Tea Cakes," or "Contents 8 Fl. Oz. Jan-U-Wine Chinese Brown Sauce."

NATURE OF CHARGE: Tea cakes. Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

Brown sauce. Misbranding, Section 403 (a), the label statement "Contents 8 Fl. Oz." was false and misleading since the jars did not contain the amount declared, but contained a smaller amount; and, Section 403 (e) (2), the product failed to bear an accurate statement of the quantity of the contents since the jars contained less than "8 Fl. Oz."

DISPOSITION: November 18, 1946. The defendant having entered a plea of nolo contendere, the court imposed a fine of $500 on count 1 and $1.00 on each of counts 3 and 4. Imposition of sentence was suspended on count 2, and the defendant was placed on probation for 1 year.

11517. Adulteration of pretzel sticks. U. S. v. Jack A. Steinberg (Philadelphia Pretzel Co.). Plea of nolo contendere. Fine, $500. Payment of fine suspended and defendant placed on probation for 2 years. (F. D. C. No. 20933. Sample Nos. 44325–H, 70403–H.)

INFORMATION FILED: October 15, 1946, Southern District of California, against Jack A. Steinberg, trading as the Philadelphia Pretzel Co., Los Angeles, Calif.

ALLEGED SHIPMENT: On or about March 7 and May 31, 1946, from the State of California into the State of Washington and the Territory of Hawaii.

LABEL, IN PART: "Royal Guest Pack Pretzel Sticks."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 9, 1946. The defendant having entered a plea of nolo contendere, the court imposed a fine of $250 on each of the 2 counts. Payment of the fine was suspended for a period of 2 years. The defendant was placed on probation, conditioned that he comply with all the laws and regulations of the Food and Drug Administration.

11518. Adulteration of bread. U. S. v. The Old Rip Van Winkle Grist Mill, Inc. Plea of guilty. Fine, $200. (F. D. C. No. 20932. Sample Nos. 9129–H, 9132–H.)

INFORMATION FILED: December 5, 1946, Northern District of New York, against The Old Rip Van Winkle Grist Mill, Inc., trading at Albany, N. Y., with its principal place of business at New York, N. Y.

ALLEGED SHIPMENT: On or about February 26 and March 5, 1946, from the State of New York into the State of New Jersey.

LABEL, IN PART: "Rip Van Winkle Bread Stone Ground 100% Whole Wheat J. L. Kimmey Bakery, Albany, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hair fragments,

rodent excreta pellet fragments, and dirt fragments resembling rodent excreta fragments.

DISPOSITION: January 27, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $200.

11519. Adulteration of cake and pies. U. S. v. Mrs. Smith's Pie Co. Plea of nolo contendere. Fine, $250. (F. D. C. No. 20950. Sample Nos. 5240–H, 5241–H, 65008–H.)

INFORMATION FILED: December 24, 1946, Eastern District of Pennsylvania, against Mrs. Smith's Pie Co., a corporation, Philadelphia, Pa.

ALLEGED SHIPMENT: On or about January 22 and February 14, 1946, from the State of Pennsylvania into the State of New Jersey.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of rodent hair fragments and insects; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: December 24, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $250.

11520. Adulteration of pie. U. S. v. Valley Baking Co. Plea of guilty. Fine, $300. (F. D. C. No. 20958. Sample Nos. 52951–H to 52956–H, incl.

INFORMATION FILED: November 7, 1946, Southern District of Ohio, against the Valley Baking Co., a partnership, Cincinnati, Ohio.

ALLEGED SHIPMENT: On or about June 13, 1946, from the State of Ohio into the State of Kentucky.

LABEL, IN PART: (Portion) "Home Made Pie Lemon [or "Apple"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: December 13, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $300.

11521. Adulteration of cookies. U. S. v. Whiteway Bakeries, Inc. Plea of nolo contendere. Fine, $600. (F. D. C. No. 20963. Sample Nos. 35516–H, 35517–H, 56451–H.)

INFORMATION FILED: January 20, 1947, Eastern District of Arkansas, against Whiteway Bakeries, Inc., Little Rock, Ark.

ALLEGED SHIPMENT: On or about May 7 and 11, 1946, from the State of Arkansas into the States of Missouri and Tennessee.

LABEL, IN PART: "Baby Ruth Cookies," or "Butterfinger Cookies."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the product had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 7, 1947. A plea of nolo contendere having been entered on behalf of the defendant, a fine of $600 was imposed.

11522. Adulteration of fig bars. U. S. v. 106 Cases * * *. (F. D. C. No. 20826. Sample No. 61711–H.)

LIBEL FILED: September 12, 1946, Eastern District of Washington.

ALLEGED SHIPMENT: On or about July 16, 1946, by Venus Foods, from Los Angeles, Calif.

PRODUCT: 106 cases, each containing 12 1½-pound packages, of fig bars at Spokane, Wash.

LABEL, IN PART: "Venus Wheat Fig Bars * * * Packed by Venus Packing Co., Los Angeles, California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: November 7, 1946. Default decree of condemnation and destruction.

CORN MEAL*

11523. Adulteration of corn meal and flour. U. S. v. Dobry Flour Mills, Inc., and Joe E. Dobry. Plea of nolo contendere on behalf of the corporation; fine $750. Plea of not guilty by the individual defendant; judgment of not guilty. (F. D. C. No. 20941. Sample Nos. 22206–H, 23075–H, 23558–H, 23571–H.)

INFORMATION FILED: October 11, 1946, Western District of Oklahoma, against Dobry Flour Mills, Inc., Yukon, Okla., and Joe E. Dobry, secretary and treasurer and plant manager.

ALLEGED SHIPMENT: Between the approximate dates of August 20, 1945, and February 26, 1946, from the State of Oklahoma into the State of Arkansas.

LABEL, IN PART: "Dobry's Best Enriched White Corn Cream Meal," or "Enriched Kitchen Craft Finest Grade Enriched Bleached Flour."

NATURE OF CHARGE: Corn meal. Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent excreta fragments.

Flour. Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: On November 18, 1946, a plea of nolo contendere was entered on behalf of the corporation, and the individual defendant entered a plea of not guilty. On January 23, 1946, the court found the corporation guilty and imposed a fine of $250 on each count, a total fine of $750. The individual defendant was found not guilty and was ordered discharged.

11524. Adulteration of corn meal. U. S. v. Ewing Mill Co. Plea of guilty. Fine, $200. (F. D. C. No. 20929. Sample Nos. 53322–H, 53325–H.)

INFORMATION FILED: October 22, 1946, Southern District of Indiana, against the Ewing Mill Co., a partnership, Ewing, Ind.

ALLEGED SHIPMENT: On or about July 8 and 10, 1946, from the State of Indiana into the State of Kentucky.

LABEL, IN PART: "Ewing Mills Pearl Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent excreta.

DISPOSITION: December 4, 1946. A plea of guilty having been entered, the court imposed a fine of $200.

11525. Adulteration of corn meal. U. S. v. 520 Bags, etc. (and 2 other seizure actions). (F. D. C. Nos. 20888, 21103, 21143. Sample Nos. 39658–H, 39659–H, 39662–H to 39664–H, incl.)

LIBELS FILED: September 30 and October 3 and 10, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: Between the approximate dates of June 27 and August 15, 1946, by Schaaf's Mill & Feed Store (Schaaf's Mill), from Des Moines, Iowa.

PRODUCT: 170 100-pound bags of white corn meal and 559 100-pound bags and 2,494 5-pound bags of yellow corn meal at Chicago, Ill.

LABEL, IN PART: "Schaaf's Yellow [or "White"] Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, insects, larvae, and insect fragments.

DISPOSITION: October 16 and November 8, 1946. George H. Schaaf, Des Moines, Iowa, having appeared as claimant for the product, with the exception of 19 100-pound bags, and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for conversion into stock feed, under the supervision of the Federal Security Agency. On November 6, 1946, a consent decree was entered with respect to the 19-bag lot, which lot was ordered destroyed.

11526. Adulteration of corn meal. U. S. v. 60 Bags * * *. (F. D. C. No. 21181. Sample No. 53614–H.)

LIBEL FILED: October 9, 1946, Southern District of Ohio.

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*See also No. 11532.

ALLEGED SHIPMENT: On or about August 9, 1946, by the Vernon Roller Mills, from Vernon, Ind.

PRODUCT: 60 25-pound bags of corn meal at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta fragments.

DISPOSITION: November 22, 1946. Default decree of condemnation; product ordered sold for conversion into stock feed.

11527. Adulteration of corn meal. U. S. v. 105 Bags. * * *. (F. D. C. No. 20755. Sample No. 65040–H.)

LIBEL FILED: August 23, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 28, 1946, by the Greenwood Beer Distributing Co., from Greenwood, S. C.

PRODUCT: 105 100-pound bags of corn meal at Lancaster, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.

DISPOSITION: September 24, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

11528. Adulteration of corn meal. U. S. v. 28 Bags * * *. (F. D. C. No. 20822. Sample Nos. 50883–H, 50884–H.)

LIBEL FILED: August 30, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about June 10 and August 1, 1946, by Griffith Laboratories, from Chicago, Ill.

PRODUCT: 20 100-pound bags of yellow corn meal and 8 100-pound bags of white corn meal at St. Paul, Minn.

LABEL, IN PART: "Yellow Rye Dust," or "Griffith's Rye Dust."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

DISPOSITION: October 11, 1946. No claimant having appeared, judgment was entered ordering that the product be destroyed, unless denatured and disposed of as animal feed, under the supervision of the Food and Drug Administration.

FLOUR*

11529. Adulteration of flour. U. S. v. Chickasha Milling Co. Plea of guilty. Fine, $300 and costs. (F. D. C. No. 20923. Sample Nos. 35403–H, 35405–H, 35406–H.)

INFORMATION FILED: October 29, 1946, Eastern District of Oklahoma, against the Chickasha Milling Co., a corporation, Chickasha, Okla.

ALLEGED SHIPMENT: February 5, 9, and 18, 1946, from the State of Oklahoma into the State of Arkansas.

LABEL, IN PART: "Vitamin and Mineral Enriched Bleached Phosphated Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it was prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 18, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $100 on each count, a total fine of $300, plus costs.

11530. Adulteration of flour. U. S. v. 75 Bags * * *. (F. D. C. No. 20917. Sample No. 62404–H.)

LIBEL FILED: September 24, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about August 5, 1946, from Seattle, Wash.

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*See also No. 11523.

PRODUCT: 75 100-pound bags of flour at San Francisco, Calif., in possession of Cuneo Brothers. The product was stored under insanitary conditions after shipment. Urine stains were observed on the bags, and examination showed that the article was contaminated with urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 8, 1946. Cuneo Brothers, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed, under the supervision of the Federal Security Agency.

11531. Adulteration of flour. U. S. v. 262 Bags * * *. (F. D. C. No. 21180. Sample No. 49627–H.)

LIBEL FILED: October 10, 1946, Eastern District of Texas.

ALLEGED SHIPMENT: On or about August 6, 1946, by the Shawnee Milling Co., from Shawnee, Okla.

PRODUCT: 262 25-pound bags of flour at Mineola, Tex.

LABEL, IN PART: "Shawnee's Best Extra Fancy Patent Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and larvae.

DISPOSITION: February 11, 1947. The Mineola Wholesale Grocery Co., Mineola, Tex., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be converted into animal feed, under the supervision of the Federal Security Agency.

11532. Adulteration of flour and corn meal. U. S. v. 131 Bags, etc. (F. D. C. No. 20889. Sample Nos. 35576–H, 35577–H.)

LIBEL FILED: September 18, 1946, Western District of Tennessee.

ALLEGED SHIPMENT: On or about August 6 and 19, 1946, by the Shawnee Milling Co., from Shawnee, Okla.

PRODUCT: 95 25-pound bags and 36 50-pound bags of self-rising flour and 567 25-pound bags of corn meal at Memphis, Tenn.

LABEL, IN PART: "Enriched Shawnee's Best Self-Rising Flour," or "Snowdrift Cream Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of larvae and insect fragments and (corn meal only) of rodent excreta fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: October 16, 1946, The Shawnee Milling Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond for denaturing. The corn meal was to be converted into stock feed, and the flour was to be converted for industrial purposes, under the supervision of the Federal Security Agency.

11533. Adulteration and misbranding of enriched pastry flour. U. S. v. The O'Brien Milling Co. Plea of guilty. Fine, $300. (F. D. C. No. 20928. Sample No. 14251–H.)

INFORMATION FILED: October 23, 1946, Southern District of Ohio, against The O'Brien Milling Co., a corporation, Greenville, Ohio.

ALLEGED SHIPMENT: On or about October 31, 1945, from the State of Ohio into the State of Indiana.

LABEL, IN PART: "O'Brien's Brand Pastry Flour * * * Enriched with Vitamins and Iron."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamin B_1, riboflavin, niacin, and iron had been in part omitted.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for enriched flour since it contained in

each pound less than 2 milligrams of thiamine, less than 1.2 milligrams of riboflavin, less than 16 milligrams of niacin, and less than 13 milligrams of iron.

DISPOSITION: February 12, 1947. A plea of guilty having been entered on behalf of the corporation, a fine of $300 was imposed.

MACARONI AND NOODLE PRODUCTS

11534. Adulteration of macaroni and noodle products. U. S. v. Italian-American Paste Co., Inc. Plea of guilty. Fine, $500. (F. D. C. No. 20925. Sample Nos. 46510–H to 46514–H, incl., 46518–H, 46519–H.)

INFORMATION FILED: September 30, 1946, Northern District of California, against the Italian-American Paste Co., Inc., San Francisco, Calif.

ALLEGED SHIPMENT: On or about March 26 and April 1, 1946, from the State of California into the States of Oregon and Nevada.

LABEL, IN PART: (Portions) "The Original Vegeroni Vegetable Macaroni," or "Coit Tower Brand Egg Noodles Wide."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of rodent hairs and hairs resembling rodent hairs; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: November 29, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $500.

11535. Adulteration and misbranding of egg noodle dinner. U. S. v. 65 Cases * * *. (F. D. C. No. 20681. Sample No. 59191–H.)

LIBEL FILED: August 20, 1946, Eastern District of Washington.

ALLEGED SHIPMENT: On or about June 20, 1946, by the Oregon Mushroom Co., from Milwaukie, Oreg.

PRODUCT: 65 cases, each containing 48 1-pound cans, of egg noodle dinner at Yakima, Wash.

LABEL, IN PART: "Conan's Happy Valley Egg Noodle Dinner with Mushrooms in Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, mushrooms, had been in whole or in part omitted from the product.

Misbranding, Section 403 (a), the label statement "Egg Noodle Dinner with Mushrooms in Sauce" was false and misleading as applied to an article containing an insignificant amount of mushrooms.

DISPOSITION: September 12, 1946. The Oregon Mushroom Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

11536. Adulteration of egg noodles in tomato sauce. U. S. v. 20 Cases * * *. (F. D. C. No. 20698. Sample No. 63442–H.)

LIBEL FILED: August 6, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about May 13, 1946, by Kurtz Brothers, from Bridgeport, Pa.

PRODUCT: 20 cases, each containing 24 13½-ounce jars, of egg noodles in tomato sauce at Newark, N. J.

LABEL, IN PART: "Magic Chef Prepared Egg Noodles in Italian Style Tomato Sauce—With Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: September 23, 1946. Default decree of condemnation and destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

11537. Adulteration of brewers corn flakes. U. S. v. 750 Bags * * *. (F. D. C. No. 20757. Sample Nos. 5545–H, 5546–H.)

LIBEL FILED: On or about September 3, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about June 3 and 18, 1946, by the Lauhoff Grain Co., from Danville, Ill.

PRODUCT: 750 100-pound bags of brewers corn flakes at Hammonton, N. J.

LABEL, IN PART: "Silver Flake * * * Frumentum."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.

DISPOSITION: October 23, 1946. The Eastern Beverage Corp., claimant, having admitted the allegations of the libel, judgment was entered ordering the product released under bond to be converted into animal feed, under the supervision of the Food and Drug Administration.

11538. Adulteration of brewers corn flakes. U. S. v. 400 Bags * * *. (F. D. C. No. 20821. Sample No. 5353–H.)

LIBEL FILED: August 29, 1946, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 14, 1946, by the Patent Cereals Co., from Geneva, N. Y.

PRODUCT: 400 100-pound bags of brewers corn flakes at Mt. Carmel, Pa.

LABEL, IN PART: "Geneva Flakes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.

DISPOSITION: September 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions, for use as hog feed, or destroyed.

11539. Adulteration of corn grits. U. S. v. 70 Bags * * *. (F. D. C. No. 20866. Sample No. 53136–H.)

LIBEL FILED: September 10, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about February 20, 1946, from Milwaukee, Wis.

PRODUCT: 70 100-pound bags of yellow corn grits at Cincinnati, Ohio, in possession of the Cincinnati Brewing Co. The article had been stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the product contained rodent hair fragments, urine, and insects.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 16, 1946. No claimant having appeared, judgment of condemnation was entered and it was ordered that the product be sold, to be converted into stock feed.

11540. Adulteration of popcorn. U. S. v. 173 Bags * * *. (F. D. C. No. 20763. Sample No. 1894–H.)

LIBEL FILED: August 28, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about April 2 and June 8, 1946, by the Weaver Pop Corn Co., from Huntington, Ind.

PRODUCT: 173 100-pound bags of popcorn at Atlanta, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and rodent excreta.

DISPOSITION: October 7, 1946. The Atlanta Popcorn Machine & Supply Co. Atlanta, Ga., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the separation of the good from the bad portion and the conversion of the latter into stock feed, under the supervision of the Food and Drug Administration.

11541. Adulteration of popcorn. U. S. v. 50 Bags * * *. (F. D. C. No. 20904. Sample No. 52749–H.)

LIBEL FILED: September 24, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about August 16, 1946, by William G. Scarlett & Co., from Baltimore, Md.

PRODUCT: 50 100-pound bags of popcorn at Akron, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect excreta.

DISPOSITION: June 17, 1947. Consent decree of condemnation. The product was ordered sold for use as animal feed; otherwise, it was to be destroyed.

11542. Adulteration of popcorn. U. S. v. 39 Bags * * *. (F. D. C. No. 20823. Sample No. 53505–H.)

LIBEL FILED: August 29, 1946, Eastern District of Tennessee.

ALLEGED SHIPMENT: On or about June 4, 1946, by R. S. Kennard, from Rome, Ga.

PRODUCT: 39 100-pound bags of popcorn at Knoxville, Tenn. Examination showed that the article contained weevils and larvae.

LABEL, IN PART: "Hy-Pop Popcorn, Produced and Processed by Charles Buehler, Paulding, Ohio."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: January 29, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold for use as stock or poultry feed.

11543. Adulteration of popcorn. U. S. v. 35 Cases * * *. (F. D. C. No. 20868. Sample No. 48330–H.)

LIBEL FILED: September 11, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about November 1, 1945, by the Target Popcorn Co., from Kansas City, Mo.

PRODUCT: 35 cases, each containing 24 10-ounce packages, of popcorn at Denver, Colo.

LABEL, IN PART: "Target Popcorn Yellow Jumbo South American Variety."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of weevils.

DISPOSITION: October 18, 1946. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

11544. Adulteration of popcorn. U. S. v. 19 Bags * * *. (F. D. C. No. 20820. Sample No. 52744–H.)

LIBEL FILED: August 30, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about October 31, 1945, by the Albert Dickinson Co., from Chicago, Ill.

PRODUCT: 19 100-pound bags of popcorn at Canton, Ohio.

LABEL, IN PART: "Big Buster Brand Yellow Popcorn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

DISPOSITION: May 27, 1947. Default decree of condemnation and destruction.

11545. Adulteration of popcorn. U. S. v. 37 Bags, etc. (F. D. C. Nos. 20891, 21732. Sample Nos. 48165–H, 72647–H.)

LIBELS FILED: September 18 and November 26, 1946, District of Utah.

ALLEGED SHIPMENT: Between the approximate dates of November 3 and 20, 1945, by the Albert Dickinson Co., from Nampa, Idaho.

PRODUCT: Popcorn. 37 100-pound bags at Ogden, Utah, and 87 100-pound bags at Salt Lake City, Utah. 73 bags at Salt Lake City were in possession of Thrifty Foods, Inc., and were stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta were observed on them. Examination showed that these bags of popcorn contained rodent excreta and larvae, and that the remainder of the product was contaminated with larvae.

LABEL, IN PART: (Portion) "Little Buster Hulless Popping Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), a portion had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 23, 1947. Thrifty Foods, Inc., claimant for 87 bags at Salt Lake City, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be recleaned and reprocessed under the supervision of the Food and Drug Administration. All unfit material was eliminated in the process of reconditioning.

On November 9, 1946, no claimant having appeared for the Ogden lot, judgment was entered ordering that the product be used for animal feed.

11546. Adulteration of rice. U. S. v. 800 Sacks * * *. (F. D. C. No. 20834. Sample No. 44618–H.)

LIBEL FILED: September 4, 1946, Eastern District of Texas.

ALLEGED SHIPMENT: On or about August 28, 1946, by the Copeland Brokerage Co., from Los Angeles, Calif. This was a return shipment by the consignee to the original shipper, the Schumacher Co., Beaumont, Tex.

PRODUCT: 800 100-pound-sacks of rice at Beaumont, Tex.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments.

DISPOSITION: September 18, 1946. The Schumacher Co., Houston, Tex., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be fanned and remilled under the supervision of the Federal Security Agency.

11547. Adulteration of rice. U. S. v. 119 Bags * * *. (F. D. C. No. 21047. Sample No. 63873–H.)

LIBEL FILED: September 27, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about July 12, 1946, by the Modern Food Products Co., from San Francisco, Calif.

PRODUCT: 119 100-pound bags of rice at New York, N. Y.

LABEL, IN PART: "Rice * * * Umeye Co. * * * New York."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect larvae and webbing.

DISPOSITION: October 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On November 2, 1946, the decree was amended to permit delivery of the product to a public institution, for use as animal feed.

11548. Adulteration of granulated rice. U. S. v. 180 Bags * * *. (F. D. C. No. 20857. Sample No. 53369–H.)

LIBEL FILED: September 9, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about May 14, 1946, by the Southern Rice Sales Co., from New York, N. Y.

PRODUCT: 180 100-pound bags of granulated rice at Cincinnati, Ohio.

LABEL, IN PART: "Souco Granulated Rice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect parts.

DISPOSITION: September 16, 1946. The Burger Brewing Co., Cincinnati, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured and converted into stock feed, under the supervision of the Food and Drug Administration.

CHOCOLATE, SUGAR, AND RELATED PRODUCTS

CANDY

11549. Adulteration of candy. U. S. v. Alonzo B. Cowan (W. J. N. Candy Co.). Plea of nolo contendere. Fine of $100 on count 1; suspended sentence on counts 2 and 3. (F. D. C. No. 20976. Sample Nos. 39929–H to 39931–H, incl.)

INFORMATION FILED: January 23, 1947, Northern District of Texas, against Alonzo B. Cowan, doing business as the W. J. N. Candy Co., Dallas, Tex.

ALLEGED SHIPMENT: On or about June 21 and July 19, 1946, from the State of Texas into the State of Arkansas.

LABEL, IN PART: "Oh My Goodness! Chocolate Nut Bar," "Old Fashion Mexican Pralines," or "The Original California Fruit Bar."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of rodent-gnawed candy, live insect infestation, rodent excreta, insect excreta, insect eggs, rodent hair, insect larvae, and feather barbules; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: January 31, 1947. The defendant having entered a plea of nolo contendere, the court imposed a fine of $100 on count 1. Imposition of sentence on counts 2 and 3 was suspended.

11550. Adulteration of candy. U. S. v. Harvey A. Melster (Melster Candy Co.). Plea of guilty. Fine, $500. (F. D. C. No. 20948. Sample Nos. 35742–H, 35743–H, 52565–H, 52566–H.)

INFORMATION FILED: October 15, 1946, Western District of Wisconsin, against Harvey A. Melster, trading as the Melster Candy Co., Cambridge, Wis.

ALLEGED SHIPMENT: On or about May 16 and 22, 1946, from the State of Wisconsin into the States of Arkansas and Kentucky.

LABEL, IN PART: "Melster's * * * Ripley Log," or "Melster's Swiss Lunch."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 29, 1946. The defendant having entered a plea of guilty, the court imposed a fine of $250 on each of the 2 counts.

11551. Adulteration of candy. U. S. v. J. Schwartz & Sons, a partnership, Jacob Schwartz, and Victor Schwartz. Pleas of nolo contendere. Fines, $10 against the partnership, $10 against Victor Schwartz, and $300 against Jacob Schwartz. (F. D. C. No. 20942. Sample Nos. 3185–H, 3186–H, 3591–H, 3593–H, 3595–H, 5311–H.)

INFORMATION FILED: December 5, 1946, Eastern District of Pennsylvania, against J. Schwartz & Sons, Philadelphia, Pa., and Jacob Schwartz and Victor Schwartz, partners.

ALLEGED SHIPMENT: Between the approximate dates of January 21 and February 1, 1946, from the State of Pennsylvania into the District of Columbia and the States of Maryland and New Jersey.

LABEL, IN PART: "Schwartz's American Chewing Candy," or "Peanut Brittle Bars."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insect fragments, mites, rodent hair fragments, and feather fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: March 14, 1947. The defendants having entered pleas of nolo contendere, the court imposed a fine of $300 against the defendant, Jacob Schwartz, $10 against the defendant, Victor Schwartz, and $10 against the partnership.

11552. Adulteration of candy. U. S. v. John W. Stewart Co., Inc., and Walter L. Abbot. Pleas of guilty. Fine of $50 against each defendant. (F. D. C. No. 20919. Sample Nos. 56763–H to 56767–H, incl.)

INFORMATION FILED: December 4, 1946, District of Massachusetts, against the John W. Stewart Co., Inc., Salem, Mass., and Walter L. Abbot, president.

ALLEGED SHIPMENT: On or about February 11, 1946, from the State of Massachusetts into the State of Maine.

LABEL, IN PART: "Peppermints [or "Italian Creams," "Nougatine," "Nut Mallows," or "Molasses Seabreeze Kisses"] Salem's Old-fashioned Candies."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of fragments of rodent hairs; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: February 4, 1947. Pleas of guilty having been entered on behalf of the defendants, the court imposed a fine of $50 against each defendant.

11553. Adulteration of candy. U. S. v. Lunsford Candy Co. Plea of nolo contendere. Fine, $200. (F. D. C. No. 20965. Sample Nos. 44567–H, 49221–H.)

INFORMATION FILED: January 23, 1947, Northern District of Texas, against the Lunsford Candy Co., a corporation, Dallas, Tex.

ALLEGED SHIPMENT: On or about March 8 and 11, 1946, from the State of Texas into the States of California and Louisiana.

LABEL, IN PART: (Boxes) "Almonut Roll * * * [or "Ko-Ko Creme Cocoanut Flavored Fudge"] * * * Dal-Tex Candy Co., Dallas Tex."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent skin, rodent hairs, insect larvae, and insect fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 29, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $200.

11554. Adulteration of candy. U. S. v. 51 Boxes * * *. (F. D. C. No. 20892. Sample No. 53434–H.)

LIBEL FILED: September 16, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about July 26, 1946, by the Leonard Sales Co., from Pittsburgh, Pa.

PRODUCT: 51 boxes each containing 24 candy bars at Cincinnati, Ohio.

LABEL, IN PART: "Fruit and Nut Bar."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect fragments.

DISPOSITION: October 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11555. Adulteration of peanut crunch. U. S. v. 89 Cases * * *. (F. D. C. No. 20886. Sample No. 48163–H.)

LIBEL FILED: September 18, 1946, District of Utah.

ALLEGED SHIPMENT: On or about March 30, 1946, by Bennett and Crews, from Waco, Tex.

PRODUCT: 89 30-pound cases of peanut crunch at Ogden, Utah.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae and webbing.

DISPOSITION: November 9, 1946. No claimant having appeared, judgment was entered ordering that the product be destroyed.

11556. Adulteration of stick candy. U. S. v. 117 Boxes, etc. (F. D. C. Nos. 20843, 20844. Sample Nos. 56271–H, 56272–H.)

LIBELS FILED: On or about September 11, 1946, Western District of Missouri.

ALLEGED SHIPMENT: On or about August 16, 1946, by the Carmelita Candy Co., from Oklahoma City, Okla.

PRODUCT: 564 boxes, each containing 36 sticks, of candy at Kansas City, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 25, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

11557. Misbranding of candy. U. S. v. 61 Cases, etc. (F. D. C. No. 20909. Sample No. 61437–H.)

LIBEL FILED: September 24, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about April 10, 1946, by New Orleans Confections, Inc., from Chicago, Ill.

PRODUCT: Candy. 61 cases, each containing 36 1-pound boxes, and 22 1-pound boxes at Seattle, Wash.

LABEL, IN PART: "New Orleans Confections."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "New Orleans Confections" was misleading since the product was manufactured in Chicago, Ill.; Section 403 (d), the container was so filled as to be misleading since the package could hold much more candy than was actually present (much of the space in the box was taken up by false liners); and, Section 403 (f), the name and place of business of the manufacturer, packer, or distributor, the statement of the quantity of the contents, and the common or usual name of each ingredient were not prominently placed on the label with the conspicuousness required by law, since the information appeared on a small side panel, which was not easily seen as the product was held for sale.

DISPOSITION: September 15, 1947. New Orleans Confections, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for repacking and relabeling under the supervision of the Food and Drug Administration.

11558. Misbranding of candy. U. S. v. 12 Cases * * *. (F. D. C. No. 20910. Sample No. 62717–H.)

LIBEL FILED: September 24, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about June 7, 1946, by New Orleans Confections, Inc., from Chicago, Ill.

PRODUCT: 12 cases, each containing 36 1-pound boxes, of candy at San Francisco, Calif.

LABEL, IN PART: "New Orleans Confections."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "New Orleans Confections" was misleading since the product was manufactured in Chicago, Ill.; Section 403 (d), the container was so filled as to be misleading since the package could hold much more candy than was actually present (much of the space in the box was taken up by false liners); and, Section 403 (f), the name and place of business of the manufacturer, packer, or distributor, the statement of the quantity of the contents, and the common or usual name of each ingredient were not prominently placed on the label with the conspicuousness required by law, since the information appeared on a small side panel, which was not easily seen as the product was held for sale.

DISPOSITION: October 24, 1946. Default decree of condemnation and destruction. On October 29, 1946, an amended decree was entered ordering the product delivered to a charitable institution.

CHOCOLATE

11559. Adulteration of plain chocolate and milk chocolate. U. S. v. 10 Bales of Plain Chocolate (and 4 other seizure actions against milk chocolate). (F. D. C. Nos. 21885, 21982 to 21985, incl. Sample Nos. 53920–H, 64968–H, 64969–H, 64971–H, 64972–H.)

LIBELS FILED: December 23 and on or about December 26, 1946, Southern District of New York and Northern District of Ohio.

ALLEGED SHIPMENT: On or about October 31 and November 14 and 18, 1946, by the Hooton Chocolate Co., from Newark, N. J.

PRODUCT: 10 200-pound bales of plain chocolate at Cleveland, Ohio, and 567 boxes, each containing 3 1-pound slabs, of milk chocolate at New York, N. Y.

LABEL, IN PART: "Hooton Chocolate," or "Sweet Milk Chocolate."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of (in the plain chocolate) insects and insect fragments and (in the milk chocolate) rodent hairs; and, Section 402 (a) (4), the milk chocolate had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 9 and 17, 1947. The Telling-Belle Vernon Co., Cleveland, Ohio, claimant for the lot of plain chocolate, having admitted the allegations of the libel, judgment of condemnation was entered. It was ordered that the product be released under bond, conditioned that it be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. Thereupon, the product was scraped and cleaned in order to eliminate all filth.

No claimant having appeared for the milk chocolate, judgments of condemnation were entered and the product was ordered destroyed.

11560. Adulteration of chocolate. U. S. v. 10 Bags * * *. (F. D. C. No. 21691. Sample No. 40934–H.)

LIBEL FILED: November 6, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about January 2, 1946, from Brooklyn, N. Y.

PRODUCT: 10 bags, each containing 20 10-pound bars, of chocolate at St. Louis, Mo.

LABEL, IN PART: "Chocolate Liquor."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect excreta, and webbing.

DISPOSITION: December 10, 1946. Default decree of condemnation. Product ordered sold, conditioned that it be denatured for use other than human consumption.

SUGAR

11561. Adulteration of sugar. U. S. v. 100 Bags * * *. (F. D. C. No. 20758. Sample No. 65602–H.)

LIBEL FILED: On or about September 3, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about August 8, 1946, by the Monmouth Packing Co., from Long Island City, N. Y.

PRODUCT: 100 100-pound bags of sugar at Vineland, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of dirt.

DISPOSITION: October 4, 1946. Colony Foods, Vineland, N. J., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond for conversion into distilled spirits, under the supervision of the Food and Drug Administration.

11562. Adulteration of sugar. U. S. v. 23 Bags * * *. (F. D. C. No. 20916. Sample No. 50894–H.)

LIBEL FILED: September 24, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about December 17, 1945, from Fort Morgan, Colo.

PRODUCT: 23 100-pound bags of sugar at St. Paul, Minn., in possession of the Central Warehouse Co. The product was stored under insanitary conditions after shipment, and examination showed that it contained rodent excreta and urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 7, 1947. The Great Western Sugar Co., Denver, Colo., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be denatured and sold for purposes other than human consumption, under the supervision of the Federal Security Agency.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, **Nos. 11563 to 11570**; that was below the standard for milk fat content, **Nos. 11569 and 11571 to 11579**; and that was short of the declared weight, **No. 11570.**

11563. Adulteration of butter, U. S. v. 225 Pounds * * *. (F. D. C. No. 21056. Sample No. 35767–H.)

LIBEL FILED: July 30, 1946, Southern District of Illinois.

ALLEGED SHIPMENT: On or about July 25, 1946, by the Aro Creamery Co., from St. Louis, Mo.

PRODUCT: 225 pounds of butter at Alton, Ill. The product contained mold.

LABEL, IN PART: "Alton Brand Creamery Butter Manufactured expressly for Alton Creamery, Alton Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed animal substance.

DISPOSITION: November 13, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to be denatured for use other than as a food product.

11564. Adulteration of butter. U. S. v. 206 64-Pound Cartons * * *. (F. D. C. No. 21066. Sample No. 63789–H.)

LIBEL FILED: September 9, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about August 26, 1946, by Redwood Creamery, from Redwood Falls, Minn.

PRODUCT: 206 64-pound cartons of butter at New York, N. Y. Examination showed that the product contained manure fragments, rodent hair fragments, insects and insect heads, insect fragments, cotton fibers, vegetable fragments, metal and rust fragments, and nondescript dirt.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 25, 1946. Weinman & Winn, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as soap stock, under the supervision of the Federal Security Agency.

11565. Adulteration of butter. U. S. v. 34 Cartons * * *. (F. D. C. No. 21055. Sample No. 63756–H.)

LIBEL FILED: August 13, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about July 17, 1946, by Turtle Mountain Creamery, from Dunseith, N. Dak.

PRODUCT: 34 64-pound cartons of butter at Jersey City, N. J. The butter contained rodent hair fragments, maggots, and insect fragments.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed substance.

DISPOSITION: November 4, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold and denatured under the supervision of the Food and Drug Administration and disposed of as salvage fat.

11566. Adulteration of butter. U. S. v. 7 Cartons * * *. (F. D. C. No. 21065. Sample No. 42663–H.)

LIBEL FILED: August 19, 1946, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about August 12, 1946, by the Fairmont Creamery Co., from Columbus, Ohio.

PRODUCT: 7 cartons, each containing 32 boxes of 4 4-ounce prints, of butter at Huntington, W. Va. Examination showed that the product contained mold mycelia.

LABEL IN PART: "Fairmont Better Brand Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed animal substance.

DISPOSITION: October 2, 1946. The Fairmont Creamery Co., Omaha, Nebr., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into butter oil, under the supervision of the Federal Security Agency.

11567. Adulteration of butter. U. S. v. 81 Cases * * *. (F. D. C. No. 21078. Sample No. 49692–H.)

LIBEL FILED: September 4, 1946, Southern District of Texas.

ALLEGED SHIPMENT: On or about July 9, 1946, by the Jerpe Dairy Products Corp., from Fort Smith, Ark.

PRODUCT: 81 cases, each containing 32 1-pound cartons, of butter at Houston, Tex. The product was found to contain mold.

LABEL, IN PART: "Superior Brand Butter Manufactured by Jerpe Commission Co., Inc. C. A. Swanson & Sons, Omaha, Nebraska."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed animal substance.

DISPOSITION: October 14, 1946. The Jerpe Dairy Products Corp., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. The product was converted into butter oil.

11568. Adulteration of butter. U. S. v. 69 Cases * * *. (F. D. C. No. 21062. Sample No. 49876–H.)

LIBEL FILED: August 29, 1946, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about August 22, 1946, by Armour & Co., from New Orleans, La.

PRODUCT: 69 cases, each containing 32 1-pound prints, of butter at Meridian, Miss. Analysis showed that the product contained mold.

LABEL, IN PART: "Creamery Butter Armour Creameries Distributors Gen'l Office, Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed animal substance.

DISPOSITION: October 15, 1946. Armour & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into butter oil, under the supervision of the Federal Security Agency.

11569. Adulteration of butter. U. S. v. 61 Cartons * * * (and 2 other seizure actions). (F. D. C. Nos. 21050, 21057, 21937. Sample Nos. 19774–H, 19775–H, 48965–H, 49895–H.)

LIBELS FILED: On or about July 29 and 30, and October 21, 1946, District of Minnesota and Northern and Middle Districts of Alabama.

ALLEGED SHIPMENT: Between the approximate dates of June 22 and August 27, 1946, by the Cudahy Packing Co., from Fairmont, N. Dak., and Nashville, Tenn.

PRODUCT: Butter. 61 cartons at Minneapolis, Minn., and 14 cases at Birmingham and 17 cases at Montgomery, Ala. Each carton and case contained 32 1-pound prints of butter. Analysis showed that a portion of the product contained mold.

LABEL, IN PART: "Cudahy's Sunlight Creamery Butter," or "Cudahy's Daisy Maid Brand Creamery Butter."

NATURE OF CHARGE: Adulteration (2 lots), Section 402 (a) (3), the article consisted in whole or in part of a decomposed animal substance; and (1 lot), Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: August 29, October 9, and November 15, 1946. The Cudahy Packing Co., Chicago, Ill., having appeared as claimant for the Minneapolis lot and consented to the entry of a decree, and no claimant having appeared for

the Birmingham and Montgomery lots which contained mold, judgments of condemnation were entered. It was ordered that the Minneapolis lot be released under bond for reworking under the supervision of the Federal Security Agency; that the other two lots be sold; that the Birmingham lot be used in the manufacture of fats; and that the Montgomery lot be denatured.

11570. Adulteration and misbranding of butter. U. S. v. 39 Cartons, etc. (F. D. C. Nos. 21071, 22675. Sample Nos. 42644–H, 53724–H.)

LIBELS FILED: August 12, 1946, Southern District of West Virginia, and February 10, 1947, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about August 1, 1946, and February 5, 1947, by the Merchants Creamery Co., from Cincinnati, Ohio.

PRODUCT: 39 cartons, each containing 20 1-pound rolls, of butter at Charleston, W. Va., and 36 32-pound cases of butter at Covington, Kentucky. Examination showed that the Charleston lot contained mold and that the Covington lot was short-weight.

LABEL, IN PART: (Wrappers, Charleston lot) "Krogers Country Club Quality Roll Creamery Butter One Pound Net Weight Packed for the Kroger Grocery & Baking Co."; (Covington lot) "4 Oz. Net * * * Dairy Brand Creamery Butter."

NATURE OF CHARGE: Charleston lot. Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed animal substance.

Covington lot. Misbranding, Section 403 (a), the label of the article failed to bear a correct statement of the quantity of the contents.

DISPOSITION: November 19, 1946, and March 7, 1947. The Merchants Creamery Co., claimant, having consented to the entry of decrees in both cases, judgments of condemnation were entered and the product was ordered released under bond. It was ordered that the Charleston lot be converted into butter oil and that the Covington lot be reprinted to the correct weight, both operations to be supervised by the Food and Drug Administration.

11571. Adulteration of butter. U. S. v. The Hartley Creamery and Abel Anderson. Pleas of guilty. Fines of $150 against each defendant, plus costs. (F. D. C. No. 20918. Sample Nos. 63718–H, 63719–H.)

INFORMATION FILED: September 17, 1946, Northern District of Iowa, against the Hartley Creamery, a partnership, Hartley, Iowa, and Abel Anderson, a partner.

ALLEGED SHIPMENT: On or about May 13 and 17, 1946, from the State of Iowa into the State of New York.

LABEL, IN PART: "Creamery Butter Distributed By Bender Goodman Co. Inc. New York."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: January 28, 1947. Pleas of guilty having been entered on behalf of both defendants, the court imposed a fine of $75 on each count against each defendant, a total fine of $300, plus costs.

11572. Adulteration of butter. U. S. v. Beatrice Creamery Co. Plea of nolo contendere. Fine, $200 and costs. (F. D. C. No. 20445. Sample Nos. 20879–H, 20880–H.)

INFORMATION FILED: July 12, 1946, District of Kansas, against the Beatrice Creamery Co., a corporation, Topeka, Kans.

ALLEGED SHIPMENT: On or about February 20, 1946, from the State of Kansas into the State of Missouri.

LABEL, IN PART: "Meadow Gold Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent of the article, milk fat, had been in part omitted from it; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 7, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $100 on each count, a total fine of $200, plus costs.

11573. Adulteration of butter. U. S. v. Producers Creamery Co. of Cabool. Plea of guilty. Fine of $50. (F. D. C. No. 20927. Sample Nos. 35535–H, 35536–H.)

INFORMATION FILED: October 1, 1946, Western District of Missouri, against the Producers Creamery Co. of Cabool, a corporation, Cabool, Mo.

ALLEGED SHIPMENT: On or about June 1, 1946, from the State of Missouri into the State of Tennessee.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent of the article, milk fat, had been in part omitted from it; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: January 15, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $50.

11574. Adulteration of butter. U. S. v. 600 Cartons * * *. (F. D. C. No. 21053. Sample No. 19779–H.)

LIBEL FILED: July 31, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about July 3, 1946, by the Bridgeman-Russell Co., from Jamestown, N. Dak.

PRODUCT: 600 cartons, each containing 54 pounds, of butter at Duluth, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: August 17, 1946. The Bridgeman-Russell Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be segregated and reworked under the supervision of the Federal Security Agency.

11575. Adulteration of butter. U. S. v. 32 Cartons * * *. (F. D. C. No. 21052. Sample No. 51715–H.)

LIBEL FILED: July 31, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about July 6, 1946, by the Hankinson Cooperative Creamery Co., from Hankinson, N. Dak.

PRODUCT: 32 64-pound cartons of butter at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 2, 1946. The Hankinson Cooperative Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Federal Security Agency.

11576. Adulteration of butter. U. S. v. 13 Cartons * * *. (F. D. C. No. 21069. Sample No. 51852–H.)

LIBEL FILED: August 23, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about August 15, 1946, by the Astoria Creamery, from Astoria, S. Dak.

PRODUCT: 13 64-pound cartons of butter at Marshall, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 5, 1946. The Astoria Creamery, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked under the supervision of the Food and Drug Administration.

11577. Adulteration of butter. U. S. v. 6 Cartons * * *. (F. D. C. No. 21059. Sample No. 19790–H.)

LIBEL FILED: On or about August 30, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about August 13, 1946, by the Kennedy Creamery Co., from Kennedy, Minn.

PRODUCT: 6 cartons, each containing approximately 66 pounds, of butter at New York, N. Y.

LABEL, IN PART: "Grand Union Co. New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: September 13, 1946. The Grand Union Co., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Federal Security Agency.

11578. Adulteration of butter. U. S. v. 4 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 21051, 21070. Sample Nos. 35778–H, 35781–H, 53042–H.)

LIBELS FILED: August 8 and 22, 1946, Northern District of Ohio and Eastern District of Illinois.

ALLEGED SHIPMENT: On or about June 28 and July 22, 1946, by Sugar Creek Creamery Co., from St. Louis, Mo., and Indianapolis, Ind.

PRODUCT: Butter. 4 64-pound cases at Cleveland, Ohio, and 40 66-pound cartons at East St. Louis, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: August 16 and September 17, 1946. The Telling-Belle Vernon Co., claimant for the Cleveland lot, and the Sugar Creek Creamery Co., claimant for the East St. Louis lot, having admitted the allegations of the respective libels, judgments of condemnation were entered. The product was ordered released under bond to be reworked so that it would comply with the law, under the supervision of the Food and Drug Administration.

11579. Adulteration of butter. U. S. v. 25 68-pound Cubes * * *. (F. D. C. No. 21076. Sample No. 46940–H.)

LIBEL FILED: August 21, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about August 9, 1946, by the Gem Creamery Co., Emmett, Idaho.

PRODUCT: 25 68-pound cubes of butter at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 10, 1946. The Wilsey, Bennett Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

CHEESE

11580. Adulteration of Cheddar cheese. U. S. v. Leo J. Taylor (Opole Cheese Factory). Plea of guilty. Fine, $100. (F. D. C. No. 20954. Sample No. 63454–H.)

INFORMATION FILED: February 4, 1947, District of Minnesota, against Leo J. Taylor, trading as Opole Cheese Factory, Opole, Minn.

ALLEGED SHIPMENT: On or about July 11, 1946, from the State of Minnesota into the State of New Jersey.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, fly and insect fragments, rodent hair fragments, cow hair, feather fragments, manure fragments, and nondescript dirt.

DISPOSITION: February 24, 1947. A plea of guilty having been entered, the court imposed a fine of $100.

11581. Adulteration of Cheddar cheese. U. S. v. Merchants Creamery Co. (Stanford Creamery Co.). Plea of guilty. Fines, $250 and costs on count 1 and $1,000 on count 2; latter fine suspended. (F. D. C. No. 20969. Sample Nos. 13346–H, 52538–H.)

INFORMATION FILED: November 11, 1946, Eastern District of Kentucky, against the Merchants Creamery Co., trading as the Stanford Creamery Co., Stanford, Ky.

ALLEGED SHIPMENT: On or about April 30 and May 7, 1946, from the State of Kentucky into the State of Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hair fragments, feather barbules, hairs resembling rodent hairs, and dirt; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 28, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $250 and costs on count 1 and $1,000 on count 2. The $1,000 fine was suspended, conditioned that the defendant corporation's plant be made sanitary immediately, and that the defendant cooperate with the Food and Drug Administration to avoid violations of the law for a period of 12 months.

11582. Adulteration of Cheddar cheese. U. S. v. Mountain States Creamery Co. Plea of guilty. Fine, $100. (F. D. C. No. 21536. Sample Nos. 43852–H, 43980–H.)

INFORMATION FILED: January 16, 1947, District of Utah, against the Mountain States Creamery Co., a corporation, Salt Lake City and Myton, Utah.

ALLEGED SHIPMENT: On or about June 6 and July 31, 1946, from the State of Utah into the State of California.

LABEL, IN PART: (Portion) "Whole Milk Cheddar Cheese, Pasteurized."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect parts, rodent hair, feather barbules, an insect hair resembling hair of the dermestid larva, and an insect fragment; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 14, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $100.

11583. Adulteration and misbranding of cottage cheese. U. S. v. John H. Costello. Plea of guilty. Fine, $400 on 2 counts. Sentence suspended on third count. (F. D. C. No. 20955. Sample Nos. 40361–H, 40367–H.)

INFORMATION FILED: October 25, 1946, Eastern District of Missouri, against John H. Costello, trading as John H. Costello, St. Louis, Mo.

ALLEGED SHIPMENT: On or about June 25 and July 8 and 23, 1946, from the State of Missouri into the State of Illinois.

LABEL, IN PART: "Armour Cloverbloom Creamed Cottage Cheese One Pound Net Weight Armour Creameries Distributors," or "1 lb. Net Weight Costello's Creamed Cottage Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1) and (2), (portion of product) a valuable constituent, milk fat, had been in part omitted; and a product containing less than 4 percent by weight of milk fat and more than 80 percent of moisture had been substituted for creamed cottage cheese, a product required by the regulations to contain not less than 4 percent by weight of milk fat and not more than 80 percent of moisture.

Misbranding, Section 403 (e) (2), the remainder of the product failed to bear a label containing an accurate statement of the quantity of the contents, since the cartons contained less than the declared weight of one pound net.

DISPOSITION: December 30, 1946. The defendant having entered a plea of guilty, the court imposed a fine of $200 on each of 2 counts and suspended sentence on the third count.

11584. Adulteration of cheese. U. S. v. West Concord Butter & Cheese Association. Plea of guilty. Fine, $250. (F. D. C. No. 20935. Sample No. 35972–H.)

INFORMATION FILED: October 17, 1946, District of Minnesota, against the West Concord Butter & Cheese Association, a corporation, West Concord, Minn.

ALLEGED SHIPMENT: On or about April 4, 1946, from the State of Minnesota into the State of Oklahoma.

LABEL, IN PART: "Minnesota Skim Milk Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hair fragments, insect fragments, feather fragments, cow hairs, and manure particles; and,

Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 20, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $250.

11585. Adulteration of cheese. U. S. v. 30 Boxes * * *. (F. D. C. No. 20869. Sample Nos. 48331–H, 48332–H.)

LIBEL FILED: September 11, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about July 30, 1946, by A. V. Peterson, from Olympia, Wash.

PRODUCT: 30 boxes each containing 2 10-pound cheeses at Denver, Colo.

LABEL, IN PART: "Kummin-Ost [or "Nordland Ost"] Kalas Brand, Scandinavian Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of larvae, insect parts, and black mold.

DISPOSITION: November 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11586. Adulteration of cheese. U. S. v. 5 Boxes * * *. (F. D. C. No. 20914. Sample No. 47726–H.)

LIBEL FILED: September 24, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about August 17, 1946, by the Colorado Cheese Co., from Trinidad, Colo.

PRODUCT: 5 boxes each containing 6 15-pound cheeses at Seattle, Wash.

LABEL, IN PART: "Colorado Romano Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of live worms.

DISPOSITION: November 22, 1946. Angelo Merlino & Sons, Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reprocessed, cleaned, and recoated under the supervision of the Federal Security Agency.

11587. Adulteration and misbranding of grated cheese. U. S. v. 352 Dozen Cartons * * *. (F. D. C. No. 21187. Sample Nos. 48626–H, 48627–H.)

LIBEL FILED: October 16, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about August 31, 1946, by the Ehrat Cheese Co., Inc., from Chicago, Ill.

PRODUCT: 176 dozen 2-ounce cartons and 176 dozen 1½-ounce cartons of grated cheese at Denver, Colo. Examination showed that the American type grated cheese contained approximately 27 percent lactose, and that the Italian type contained approximately 14 percent lactose, showing the presence of a milk product other than cheese.

LABEL, IN PART: "Bluhill Grated Cheese American Type [or "Italian Type"] Distributed by Bluhill Foods, Inc., Denver, Colo."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance high in lactose had been substituted in whole or in part for grated cheese.

Misbranding, Section 403 (a), the label statements "Grated Cheese American Type" and "Grated Cheese Italian Type" were false and misleading.

DISPOSITION: March 26, 1947. The Ehrat Cheese Co., Inc., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

MISCELLANEOUS DAIRY PRODUCTS

11588. Adulteration of ice cream. U. S. v. Asael Farr and Sons Co. (Farr Ice Cream Co.), a corporation, and Asael Farr, Sr., and Dexter Farr. Pleas of guilty. Fines of $20 against the corporation, $20 against Dexter Farr, and $10 against Asael Farr, Sr. (F. D. C. No. 20977. Sample Nos. 48401–H, 48406–H.)

LIBEL FILED: December 10, 1946, District of Utah, against Asael Farr and Sons Co., trading as the Farr Ice Cream Co., Ogden, Utah, and Asael Farr, Sr., president, and Dexter Farr, treasurer and manager.

ALLEGED SHIPMENT: On or about August 6 and 7, 1946, from the State of Utah into the State of Nevada.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent excreta pellets, animal hair resembling dog hair, colored fibers, an insect body, an insect fragment, an insect seta, plant tissue, and metal fragments; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 16, 1946. Pleas of guilty having been entered by all three defendants, the court imposed fines of $20 against the corporation, $20 against Dexter Farr, and $10 against Asael Farr, Sr.

11589. Adulteration of cream and nonfat dry milk solids. U. S. v. Star Valley Creamery Co., Joseph E. Linford, and Cannon S. Wray. Pleas of guilty. Fines of $150 against each defendant. (F. D. C. No. 20957. Sample Nos. 25766–H, 47176–H, 47939–H.)

INFORMATION FILED: November 12, 1946, District of Wyoming, against the Star Valley Creamery Co., a corporation, Afton, Wyo., and Joseph E. Linford, president, and Cannon S. Wray, manager.

ALLEGED SHIPMENT: On or about June 7 and 10 and July 11, 1946, from the State of Wyoming into the States of Colorado and Utah.

LABEL, IN PART: "Star Valley Dry Milk Solids." The cream was unlabeled.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of rodent, cow, and other animal hairs, insect parts, sand-like particles, vegetable fibers, paint scale, a wood fragment, plant particles, plant tissue, and carbonaceous material; and, Section 402 (a) (4), they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: December 16, 1946. Pleas of guilty having been entered on behalf of the defendants, the court imposed fines of $50 against each defendant on each of the three counts, a total of $450.

11590. Adulteration of dry milk solids. U. S. v. 40 Boxes * * *. (F. D. C. No. 21169. Sample No. 48376–H.)

LIBEL FILED: October 18, 1946, District of Nebraska.

ALLEGED SHIPMENT: On or about July 20, 1946, by the Dutch Maid Bakery, from Casper, Wyo.

PRODUCT: 40 boxes, each containing 100 pounds, of dry milk solids at Scottsbluff, Nebr.

LABEL, IN PART: "Star Valley Dry Milk Solids * * * Star Valley Creamery, Afton, Wyoming."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, feather barbules, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 27, 1947. The Star Valley Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration.

EGGS

11591. Adulteration of frozen eggs. U. S. v. Ray E. Wenk (Wenk Brothers Produce Co.). (F. D. C. No. 20964. Sample No. 5832–H.)

INFORMATION FILED: June 5, 1947, District of South Dakota, against Ray E. Wenk, trading as the Wenk Brothers Produce Co., Madison, S. Dak.

ALLEGED SHIPMENT: On or about March 31, 1945, from the State of South Dakota into the State of New York.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance.

DISPOSITION: June 5, 1947. A plea of guilty having been entered, the court imposed a fine of $50.

11592. Adulteration of frozen eggs. U. S. v. 130 Cans * * *. (F. D. C. No. 20808. Sample No. 17000–H.)

LIBEL FILED: September 5, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 17, 1946, by Christianson Produce, from Hutchinson, Minn.

PRODUCT: 130 30-pound cans of frozen whole eggs at Chicago, Ill. Examination of the product showed the presence of sour and putrid eggs.

LABEL, IN PART: "Whole Eggs * * * Packed by Johnson Produce Company, Cokato, Minn. A."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: September 18, 1946. The Johnson Produce Co., Cokato, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the good portion be segregated from the bad, under the supervision of the Federal Security Agency, and that the latter be denatured and disposed of for purposes other than human consumption.

11593. Adulteration and misbranding of dried whole eggs. U. S. v. 113 Tins * * *. (F. D. C. No. 20814. Sample No. 38696–H.)

LIBEL FILED: September 26, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 13, 1946, by Irving A. Kasden, from New York, N. Y.

PRODUCT: 113 8-ounce tins of dried whole eggs at Chicago, Ill. Examination showed that the flavor and odor of the product was objectionable and that it was short-weight.

LABEL, IN PART: "Sondra Quality Brand Dried Whole Eggs Eight Ounces Net Weight Packed by Coburn Farm Products Corp. New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its objectionable flavor and odor.

Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: November 6, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

11594. Adulteration of frozen egg product. U. S. v. 1,692 Cans * * *. (F. D. C. No. 20781. Sample No. 65428–H.)

LIBEL FILED: September 5, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 13, 1946, by the Henderson Produce Co., from Monroe City, Mo.

PRODUCT: 1,692 30-pound cans of a frozen egg product at Philadelphia, Pa. Examination showed the presence of decomposed eggs.

LABEL, IN PART: "Uwanta Brand Golden Blend A Frozen Egg Product Contains Whole Eggs, Egg Yolks, Corn Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 21, 1946. The Henderson Produce Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be denatured or destroyed under the supervision of the Food and Drug Administration.

FEEDS AND GRAINS

11595. Adulteration and misbranding of meat scraps. U. S. v. Schaefer Feed Co., a corporation, and Robert W. Schaefer. Pleas of guilty. Fines of $1,000 against the corporation and $500 against the individual defendant. (F. D. C. No. 20980. Sample Nos. 51506–H to 51508–H, incl.)

INFORMATION FILED: December 3, 1946, Eastern District of Illinois, against the Schaefer Feed Co., East St. Louis, Ill., and Robert W. Schaefer, president.

ALLEGED SHIPMENT: On or about March 23 and April 10, 1946, from the State of Illinois into the State of Minnesota.

LABEL, IN PART: "The article was unlabeled, but was invoiced as "50% Meat Scraps."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing mineral carbonates and less than 50 percent of protein had been substituted in whole or in part for meat scraps containing 50 percent of protein which the article purported and was represented to be.

Misbranding, Section 403 (b), an article containing mineral carbonates and containing less than 50 percent of protein was offered for sale under the name of 50 percent meat scraps; Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (i) (2), it failed to bear a label containing the common or usual name of each of its ingredients.

DISPOSITION: January 6, 1947. Pleas of guilty having been entered, the court imposed a fine of $1,000 against the corporation and $500 against the individual.

11596. Adulteration and misbranding of meat and bone scraps. U. S. v. Packers By-Products Co. Plea of guilty. Fine, $700 and costs. (F. D. C. No. 20921. Sample No. 23447–H.)

INFORMATION FILED: September 17, 1946, Eastern District of Illinois, against the Packers By-Products Co., a corporation, National Stock Yards, Ill.

ALLEGED SHIPMENT: On or about September 30, 1945, from the State of Illinois into the State of Missouri.

LABEL, IN PART: The product was invoiced "50% Meat and Bone Scraps."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent of the article, protein, had been in part omitted and abstracted from it. The article was represented to consist of meat and bone scraps containing 50 percent of protein, but it consisted of meat and bone scraps containing less than 50 percent of protein.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food, i. e., meat and bone scraps containing 50 percent of protein; Section 403 (e) (1) and (2), it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (2), it was fabricated from two or more ingredients and failed to bear a label containing the common or usual name of each ingredient.

DISPOSITION: January 6, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $350 on each count, a total fine of $700, plus costs.

11597. Adulteration of dairy feed, poultry feed, and hog feed. U. S. v. Roux Feed Mills. Plea of nolo contendere. Fine, $550 and costs. (F. D. C. No. 20951. Sample Nos. 32755–H, 32757–H, 32758–H, 34163–H to 34167–H, incl., 34171–H, 34172–H, 34175–H.)

INFORMATION FILED: December 2, 1946, Western District of Pennsylvania, against the Roux Feed Mills, a partnership, Sharon, Pa.

ALLEGED SHIPMENT: Between the approximate dates of September 21, 1945, and July 30, 1946, from the State of Pennsylvania into the State of Maryland.

PRODUCT: The products contained less than the declared amount of protein, and in some instances they were deficient in fat and contained fiber in excess of the amount declared. Some of the products contained ingredients that were not declared on the label, or failed to contain ingredients that were declared.

LABEL, IN PART: (Roux Red Ribbon 20% Dairy) "Protein Not less than 20% Fat Not less than 3%"; (Roux Breeding Mash) "Guaranteed Analysis Protein 20%"; (Roux Red Ribbon 24% Dairy) "Guaranteed Analysis Protein Not less than 24%"; (Roux Porkmaster Hog Meal, both shipments) "Protein 18%" and (1 shipment) "Ingredients Gluten Feed * * * Calcium Carbonate and Salt"; (Roux Red Ribbon 16% Dairy) "Protein 16% * * * Ingredients Corn Gluten Feed * * * Linseed Oil Meal * * * 1% Steam Bone Meal * * * 1% Salt and Molasses"; (Roux Broiler Mash, 1 shipment) "Protein Not less than 18%"; (second shipment) "Protein Not Less Than 20%

Fat Not Less Than 3.5% Fibre Not Over 8% * * * Ingredients * * * Wheat Bran, Wheat Midds * * * Meat Scrap, Fish Meal"; (Roux Egg Mash) "Protein 20% * * * Fibre 8% Ingredients * * * Fish Meal * * * Wheat Bran, Wheat Midds * * * Choice Meat Scraps."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements quoted above were false and misleading since the articles contained less than the declared amounts of protein; and the 16% Dairy Feed, one lot of hog feed, and the egg mash did not contain "Corn Gluten Feed, Linseed Oil Meal, 1% Steam Bone Meal, 1% Salt and Molasses," or "Gluten Feed, Calcium Carbonate and Salt," or "Fish Meal, Wheat Bran, Wheat Middlings, Choice Meat Scraps," as declared on their respective labels.

Misbranding, Section 403 (i) (2), the articles were fabricated from 2 or more ingredients, and the labels of certain lots failed to bear the common or usual name of each such ingredient. The 20 percent dairy feed contained undeclared alfalfa meal; the 24 percent dairy feed contained undeclared ground screenings (barley hulls, wheat chaf, weed seeds, etc.); the broiler mash and egg mash contained undeclared linseed oil meal, ground wheat, and ground barley; and one lot of the breeding mash contained undeclared corn gluten feed and ground wheat. another lot contained undeclared corn gluten feed, and a remaining lot contained undeclared wheat bran.

DISPOSITION: March 17, 1947. A plea of nolo contendere having been entered, the court imposed a fine of $50 on each of the 11 counts of the information, a total fine of $550, plus costs.

11598. Misbranding of alfalfa meal and alfalfa leaf meal. U. S. v. Caney Valley Cooperative Drying Association. Plea of guilty. Fine, $100. (F. D. C. No. 20947. Sample Nos. 33404–H, 33406–H, 33407–H.)

INFORMATION FILED: January 8, 1947, Southern District of Texas, against the Caney Valley Cooperative Drying Association, a corporation, Boling, Tex.

ALLEGED SHIPMENT: On or about September 20 and 22 and October 30, 1945, from the State of Texas into the State of Kansas.

LABEL, IN PART: "Dehydrated Alfalfa Meal [or "Caro-Green Dehydrated Alfalfa Leaf Meal"] Distributed by Caro-Green Laboratories, Kansas City, Mo."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Crude Protein, not less than 15.0% [or "17.0%," or "20.0%"]," were false and misleading since the articles contained less than the declared amounts of protein. The statements "Crude Fiber, not more than 18.0%" and "Dehydrated Alfalfa Leaf Meal," on the label of the leaf meal, were false and misleading since the product contained more than 18 percent of crude fiber and did not consist of alfalfa leaf meal, but did consist of alfalfa meal.

DISPOSITION: February 5, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $100.

FISH AND SHELLFISH

11599. Adulteration of rosefish. U. S. v. 545 Cartons * * *. (F. D. C. No. 20875. Sample No. 39002–H.)

LIBEL FILED: September 13, 1946, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about August 13, 1946, by Booth Fisheries, from Gloucester, Mass.

PRODUCT: 545 10-pound cartons of rosefish at Detroit, Mich.

LABEL, IN PART: "Rosefish * * * Packed by Fabet Corporation, Gloucester, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 5, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

11600. Adulteration of smoked salmon. U. S. v. 5 Cases, etc. (and 4 other seizure actions). (F. D. C. Nos. 20751, 20753, 20754, 20890, 21138. Sample Nos. 56494–H, 57336–H to 57338–H, incl., 66959–H, 66960–H.)

LIBELS FILED: August 26 and on or about October 3 and 10, 1946, District of Massachusetts and Western District of Missouri.

ALLEGED SHIPMENT: On or about August 5, 16, and 28, 1946, by the Manhattan Packing Co., from Middle Village, Long Island, N. Y.

PRODUCT: Smoked salmon. 5 cases at Chelsea and 12 cases at South Boston, Mass., each case containing 48 8-ounce cups; and 36 dozen 8-ounce cartons at Kansas City, Mo. Examination showed that the product contained decomposed salmon, and that the packing medium of the salmon in the Massachusetts lots consisted in part of mineral oil.

LABEL, IN PART: "Delicio Brand Smoked & Sliced U. S. Salmon," or "Delicio Brand U. S. Salmon Smoked & Sliced Packed in Salad Oil."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (all lots) the article consisted in whole or in part of a decomposed substance; Section 402 (a) (1), (Chelsea and South Boston lots) the article contained added mineral oil, a deleterious substance, which may have rendered the article injurious to health: Section 402 (b) (1), a valuable constituent, edible salad oil, had been in whole or in part omitted from the article; Section 402 (b) (2), a substance containing nonnutritive mineral oil had been substituted in whole or in part for salmon packed in salad oil; and, Section 402 (b) (4), mineral oil had been added to the article and mixed and packed with it so as to reduce its quality or strength.

DISPOSITION: September 30 and December 5 and 10, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

11601. Adulteration of canned shad. U. S. v. 1,785 Cases * * *. (F. D. C. No. 20856. Sample No. 19591–H.)

LIBEL FILED: September 10, 1946, Northern District of Iowa.

ALLEGED SHIPMENT: On or about August 8, 1946, by the Market Wholesale Grocery, Inc., from Chicago, Ill.

PRODUCT: 1,785 cases, each containing 24 10½-ounce cans, of shad at Cedar Falls, Iowa.

LABEL, IN PART: "Snow's Brand Shad * * * Packed by The F. H. Snow Canning Co., Inc., Pine Point, Me."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 26, 1946. The Fred H. Snow Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed, or disposed of as animal feed, under the supervision of the Food and Drug Administration.

11602. Adulteration of canned shad. U. S. v. 195 Cases * * *. (F. D. C. No. 20998. Sample No. 54641–H.)

LIBEL FILED: September 23, 1946, Southern District of Florida.

ALLEGED SHIPMENT: On or about July 29, 1946, by the F. H. Snow Canning Co., from Waukeag, Maine.

PRODUCT: 195 cases, each containing 24 10½-ounce cans, of shad at Jacksonville, Fla.

LABEL, IN PART: "Snow's Brand Shad."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11603. Adulteration of canned whiting. U. S. v. 11 Cases, etc. (F. D. C. Nos. 20852 to 20854, incl. Sample No. 42664–H.)

LIBELS FILED: September 9, 1946, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about August 7, 1946, by Associated Fisheries, from Plymouth, Mass.

PRODUCT: 14 cases at Huntington, W. Va., and 11 cases at Beckley, W. Va., each case containing 48 cans of whiting.

LABEL, IN PART: "Griffins Cape Cod Whiting Contents 15 Oz. Avoir. Packed for B. A. Griffin Co., Inc., Milwaukee, Wis. Barnstable, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 22 and 31, 1946. Default decrees of condemnation and destruction.

11604. Adulteration of frozen whiting. U. S. v. 12 Boxes * * *. (F. D. C. No. 20793. Sample No. 63506–H.)

LIBEL FILED: September 10, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about August 14, 1946, by Jerry Juliano, from New Haven, Conn.

PRODUCT: 12 boxes, containing approximately 1,600 pounds, of frozen whiting at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 9, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a State agency, to be used for fish food.

11605. Adulteration of frozen round whiting. U. S. v. 34 Boxes * * *. (F. D. C. No. 20792. Sample No. 63505–H.)

LIBEL FILED: September 10, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about August 13, 1946, by Lamoriella Brothers, from Johnston, R. I.

PRODUCT: 34 boxes, containing approximately 3,419 pounds, of frozen round whiting at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 9, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a State agency, for use as fish food.

11606. Adulteration of crab meat. U. S. v. Albert M. Moore (Moore's Seafood Co.). Plea of nolo contendere. Fine, $100. (F. D. C. No. 20934. Sample No. 54554–H.)

INFORMATION FILED: November 8, 1946, Northern District of Florida, against Albert M. Moore, trading as the Moore's Seafood Co., East Point, Fla.

ALLEGED SHIPMENT: On or about June 19, 1946, from the State of Florida into the State of Maryland.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of fecal *E. coli;* and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 7, 1947. The defendant having entered a plea of nolo contendere, the court imposed a fine of $100.

11607. Adulteration of crab meat. U. S. v. Gadson W. Segree (G. W. Segree and Son). Plea of nolo contendere. Fine, $150. (F. D. C. No. 20978. Sample Nos. 54530–H, 54535–H, 54550–H.)

INFORMATION FILED: November 25, 1946, Northern District of Florida, against Gadson W. Segree, trading as G. W. Segree and Son, East Point, Fla.

ALLEGED SHIPMENT: On or about June 11, 12, and 18, 1946, from the State of Florida into the State of Maryland.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of fecal *E. coli;* and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 7, 1947. A plea of nolo contendere having been entered, the court imposed a fine of $150 against the defendant.

11608. Adulteration of crab meat. U. S. v. Lewis, Whorton & Lewis (Lewis Crab Factory). Plea of nolo contendere. Fine, $150. (F. D. C. No. 20974. Sample Nos. 54545–H, 54546–H, 54548–H, 54555–H.)

INFORMATION FILED: November 19, 1946, Southern District of Georgia, against Lewis, Whorton & Lewis, a partnership, trading as Lewis Crab Factory, Brunswick, Ga.

ALLEGED SHIPMENT: On or about June 18 and 20, 1946, from the State of Georgia into the States of New York, Maryland, and Pennsylvania.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of fecal *E. coli;* and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 13, 1947. A plea of nolo contendere having been entered, the court imposed a fine of $150.

11609. Adulteration of crab meat. U. S. v. 30 Pounds, etc. (and 2 other seizure actions). (F. D. C. Nos. 21067, 21072, 21075. Sample Nos. 42054–H, 42057–H, 42060–H.)

LIBELS FILED: On or about August 26, 28, and 30, 1946, Southern District of Florida, Northern District of Alabama, and Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 21 and 30, 1946, by the Metompkin Bay Oyster Co., from Crisfield, Md.

PRODUCT: Crab meat. 1 30-pound box at Tampa, Fla., 1 50-pound barrel at Birmingham, Ala., and 122 1-pound cans at Philadelphia, Pa.

LABEL, IN PART: "Metompkin Brand Crab Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of *E. coli* or *B. coli* in various portions.

DISPOSITION: September 4, 30, and October 7, 1946. Default decrees of condemnation and destruction.

11610. Adulteration of crab meat. U. S. v. 100 Pounds * * *. (F. D. C. No. 21058. Sample No. 42040–H.)

LIBEL FILED: August 16, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 13, 1946, by Coulbourne & Jewett, from St. Michaels, Md.

PRODUCT: Crab meat. 50 pounds "Regular-White," 25 pounds "Special Lump," and 25 pounds "Back Fin," in 1-pound cans at Philadelphia, Pa. Examination showed that the product was contaminated with *E. coli.*

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance.

DISPOSITION: September 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11611. Adulteration of crab meat. U. S. v. 54 Cases * * *. (F. D. C. No. 20893. Sample No. 53424–H.)

LIBEL FILED: September 16, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about July 20, 1946, by the Skrmetta Sea Food Co., from New Orleans, La.

PRODUCT: 54 cases, each containing 24 7⅞10-ounce cans, of crab meat at Cincinnati, Ohio. Examination showed the presence of decomposed crab meat.

LABEL, IN PART: "Sea Treasure Brand Crabmeat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11612. Adulteration of crab meat. U. S. v. 24 Cases * * *. (F. D. C. No. 21027. Sample No. 57413–H.)

LIBEL FILED: September 27, 1946, District of Rhode Island.

ALLEGED SHIPMENT: On or about July 30, 1946, by Gulf Central Sea Foods, Inc., from Biloxi, Miss.

PRODUCT: 24 cases, each containing 24 7⅞10-ounce cans, of crab meat at Newport, R. I.

LABEL, IN PART: "Gulf Central Brand American Crab Meat Vacuum packed White Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: January 21, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11613. Adulteration of crab meat. U. S. v. 5 Cases * * *. (F. D. C. No. 21021. Sample No. 3981–H.)

LIBEL FILED: September 20, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 18, 1946, by the L. C. Mays Co., Inc., from New Orleans, La.

PRODUCT: 5 cases, each containing 24 7⅞10-ounce cans, of crab meat at Bethlehem, Pa.

LABEL, IN PART: "High Sea Brand White Meat American Crab Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 22, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11614. Adulteration and misbranding of minced clams. U. S. v. 264 Cases * * *. (F. D. C. No. 20769. Sample No. 8836–H.)

LIBEL FILED: September 4, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about May 18, 1946, by the Medomak Canning Co., from Winslows Mills, Maine.

PRODUCT: 264 cases, each containing 48 cans, of minced clams at New York, N. Y. Examination showed that the average net weight of the contents of the cans was 11.25 ounces, and that the average drained weight was 4.45 ounces.

LABEL, IN PART: (Cases) "48 cans No. 1 Unlabeled Minced Claims."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), brine had been substituted in part for minced claims.

Misbranding, Section 403 (e) (1), the article did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it did not bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (i) (1), it did not bear a label stating the common or usual name of the food.

DISPOSITION: April 3, 1947. The Vee Mar Food Products Co., New York, N. Y., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be labeled in compliance with the law, under the supervision of the Food and Drug Administration.

11615. Adulteration of oysters. U. S. v. Whiz Fish Products Co., Inc. Plea of guilty. Fine, $500 and costs. (F. D. C. No. 20924. Sample Nos. 59531–H, 59533–H.)

INFORMATION FILED: October 9, 1946, Western District of Washington, against the Whiz Fish Products Co., Inc., Seattle, Wash.

ALLEGED SHIPMENT: On or about April 12 and 15, 1946, from the State of Washington into the State of California.

PRODUCT: Oysters. The product contained added water.

LABEL, IN PART: "Packed * * * For Palace Fish & Oyster Co. Wash. Cert. 128."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters.

DISPOSITION: November 9, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $250 on each count, a total fine of $500, plus costs.

11616. Misbranding of canned shrimp. U. S. v. 200 Cases * * *. (F. D. C. No. 20873. Sample No. 24260–H.)

LIBEL FILED: On or about September 13, 1946, Southern District of Alabama.

ALLEGED SHIPMENT: On or about August 23, 1946, by the Morgan City Packing Co., from Houma, La.

PRODUCT: 200 cases, each containing 48 7-ounce cans, of shrimp at Mobile, Ala.

LABEL, IN PART: "Bridge Brand Shrimp Wet Pack * * * Distributed By St. Mary Sea Food Co., Morgan City, La."

NATURE OF CHARGE: Misbranding, Section 403 (h) (2), the article fell below the standard of fill of container prescribed by the regulations for canned wet pack shrimp. The containers of the article were not so filled that the cut-out weight of shrimp taken from each can was not less than 64 percent of the water capacity of the container, as required by the standard, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: October 8, 1946. The Morgan City Packing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

FRUITS AND VEGETABLES

CANNED FRUIT

11617. Misbranding of canned apples. U. S. v. 551 Cases * * *. (F. D. C. No. 21184. Sample Nos. 62406–H, 62407–H.)

LIBEL FILED: October 28, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about August 31, 1945, by A. H. Renehan & Son, from Sykesville, Md.

PRODUCT: 551 cases, each containing 6 6-pound, 8-ounce cans, of apples at San Francisco, Calif. The article was found to be short-weight.

LABEL, IN PART: Patapsco Brand Apples Heavy Pack Contents 6 Lbs. 8 Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: February 7, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11618. Adulteration of canned apricots. U. S. v. 1,348 Cases * * *. (F. D. C. No. 21041. Sample Nos. 57541–H, 57542–H.)

LIBEL FILED: September 24, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about July 24, 1946, by the Riverbank Canning Co., from Riverbank, Calif.

PRODUCT: 674 cases of canned whole apricots and 674 cases of canned halves of apricots at Worcester, Mass. Each case contained 24 1-pound, 13-ounce cans.

LABEL, IN PART: "Zelo Brand Whole [or "Halves"] Unpeeled Apricots in Light Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11619. Adulteration of canned apricots. U. S. v. 210 Cases * * *. (F. D. C. No. 20787. Sample Nos. 57397–H to 57399–H, incl.)

LIBEL FILED: September 20, 1946, District of Rhode Island.

ALLEGED SHIPMENT: On or about July 16, 1946, by the Riverbank Canning Co., from Riverbank, Calif.

PRODUCT: 210 cases of canned halves of apricots and canned whole apricots at Providence, R. I. Each case contained 24 1-pound, 13-ounce cans.

LABEL, IN PART: "Diana [or "Zelo Brand"] * * * Unpeeled Apricots in Light Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 7, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11620. Misbranding of canned apricots. U. S. v. 478 Cases * * *. (F. D. C. No. 20850. Sample No. 45836–H.)

LIBEL FILED: September 9, 1946, Western District of Texas.

ALLEGED SHIPMENT: On or about August 5, 1946, by the Regent Canfood Co., from Alameda, Calif.

PRODUCT: 478 cases, each containing 24 1-pound, 4-ounce cans, of apricots at El Paso, Tex.

LABEL, IN PART: "Valley Gold Peeled Whole Apricots in Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the label failed to bear the name of the optional packing medium present. The label bore the statement "in Heavy Syrup," whereas the article was packed in sirup designated as "Light Sirup" in the definition and standard.

DISPOSITION: October 31, 1946. The Safeway Stores, Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

11621. Misbranding of canned apricots. U. S. v. 400 Cases * * *. (F. D. C. No. 20915. Sample No. 51865–H.)

LIBEL FILED: September 24, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about August 14, 1946, by the Colorado Mountain Food Co., from Grand Junction, Colo.

PRODUCT: 400 cases, each containing 24 1-pound, 13-ounce cans, of apricots at St. Paul, Minn.

LABEL, IN PART: "Mellhorn Brand Rocky Mountain Choice Whole Unpeeled Apricots In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned apricots, a food for which a definition and standard of identity has been prescribed, and its label failed to bear, as required by the regulations, the name of the optional packing medium present. The label bore the statement "In Heavy Syrup," whereas the article was packed in sirup designated as "Light Sirup" in the definition and standard.

DISPOSITION: October 14, 1946. The Hancock-Nelson Mercantile Co., St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

11622. Misbranding of canned apricots. U. S. v. 894 Cases * * *. (F. D. C. No. 21026. Sample Nos. 57135–H, 57136–H, 62981–H.)

LIBEL FILED: October 4, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 2, 1946, by the Foster & Wood Canning Co., from Lodi, Calif.

PRODUCT: Canned apricots. 290 cases of whole peeled, 302 cases of halves unpeeled, and 302 cases of whole unpeeled at Boston, Mass. Each case contained 24 1-pound, 14-ounce cans.

LABEL, IN PART: "A&P Apricots in Heavy Syrup Grade A Whole Peeled [or "Halves Unpeeled," or "Whole Unpeeled"] * * * The Great Atlantic & Pacific Tea Co., New York, N. Y., Distributors."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article failed to conform to the definition and standard of identity for canned apricots, since its label failed to bear, as required by regulations, the name of the optional packing medium present in the article. The label bore the statement "in Heavy Syrup," whereas the article was packed in sirup designated as "Light Sirup" in the definition and standard.

DISPOSITION: December 6, 1946. The Foster & Wood Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

11623. Misbranding of canned apricots. U. S. v. 223 Cases * * *. (F. D. C. No. 21028. Sample No. 45837–H.)

LIBEL FILED: September 23, 1946, District of Maryland.

ALLEGED SHIPMENT: On or about August 6, 1946, by the Richmond-Chase Co., from Alameda, Calif.

PRODUCT: 223 cases, each containing 24 1-pound, 14-ounce cans, of apricots at Baltimore, Md.

LABEL, IN PART: "Heart's Delight Whole Unpeeled Apricots In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article was a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as required by the regulations, the name of the optional packing medium present. The label bore the statement "In Heavy Syrup," whereas the article was packed in sirup designated as "Light Sirup" in the definition and standard.

DISPOSITION: November 29, 1946. The Richmond-Chase Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

11624. Misbranding of canned apricots. U. S. v. 426 Cases * * *. (F. D. C. No. 21048. Sample No. 45639–H.)

LIBEL FILED: September 30, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about July 30, 1946, by the Fruitvale Canning Co., from Oakland, Calif.

PRODUCT: 426 cases, each containing 24 1-pound, 14-ounce cans, of apricots at New York, N. Y.

LABEL, IN PART: "Krasdale Whole Unpeeled Apricots In Heavy Syrup * * * Krasdale Foods, Inc.. New York, N. Y. Distributors."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article failed to conform to the definition and standard of identity for canned apricots since its label failed to bear, as required, the name of the optional packing medium present. The label bore the statement "In Heavy Syrup," whereas the article was packed in sirup designated as "Light Sirup" in the definition and standard.

DISPOSITION: December 6, 1946. Krasdale Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled in compliance with the law, under the supervision of the Food and Drug Administration.

11625. Adulteration of canned strained peaches. U. S. v. 40 Cases of Strained Baby Food. (F. D. C. No. 20812. Sample No. 53050–H.)

LIBEL FILED: August 27, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about February 2, 1946, by American Home Foods, Inc., from Rochester, N. Y.

PRODUCT: 40 cases, each containing 72 4½-ounce cans, of strained peaches at Canton, Ohio.

LABEL, IN PART: "Clapp's Strained Baby Foods Strained Peaches Slightly Sweetened with Sugar."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments.

DISPOSITION: October 1, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11626. Misbranding of canned peaches. U. S. v. 87 Cases * * *. (F. D. C. No. 21046. Sample No. 43049–H.)

LIBEL FILED: September 25, 1946, District of Columbia.

ALLEGED SHIPMENT: On or about July 22, 1946, by the Woodstock Canning Co., from Woodstock, Va.

PRODUCT: 87 cases, each containing 24 1-pound, 12-ounce cans, of peaches at Washington, D. C.

LABEL, IN PART: "Shenandoah Queen Brand Halves White Freestone Peaches In Light Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the label of the article failed to bear the name of the optional packing medium present, since the label bore the statement "In Light Syrup," whereas the article was packed in a medium designated as "slightly sweetened water" in the definition and standard of identity for canned peaches. Further misbranding, Section 403 (h) (1), its quality fell below the standard prescribed by regulations, since the peach units were under the minimum weight of 3/5 ounce; the largest peach units were more than twice the weight of the smallest; and some peach units were so trimmed as not to preserve normal shape; and, in addition, the label failed to bear a statement that the article fell below the standard.

DISPOSITION: November 8, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

DRIED FRUIT

11627. Adulteration of dried apple pomace. U. S. v. 1,652 Bags * * *. (F. D. C. No. 20900. Sample No. 53373–H.)

LIBEL FILED: September 24, 1946, Western District of Kentucky.

ALLEGED SHIPMENT: Between the approximate dates of June 23 and December 6, 1945, by the Door County Apple Products Co., from Sturgeon Bay, Wis.

PRODUCT: 1,652 bags of dried apple pomace at Louisville, Ky.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts.

DISPOSITION: November 25, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, for use as animal feed.

11628. Adulteration of dates. U. S. v. 93 Boxes, etc. (F. D. C. No. 20871. Sample Nos. 48161–H, 48162–H.)

LIBEL FILED: September 12, 1946, District of Utah.

ALLEGED SHIPMENT: On or about October 27 and December 15, 1945, by the United Date Growers, from Indio and Coachella, Calif.

PRODUCT: 93 15-pound boxes of hydrated dates and 24 15-pound boxes of fresh dates at Salt Lake City, Utah.

LABEL, IN PART: "Golden Valley California Hydrated Dates," or "Golden Valley Fresh California Dates."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect excreta and larvae.

DISPOSITION: October 18, 1946. No claimant having appeared, judgment was entered ordering that the products be destroyed by being fed to animals.

11629. Adulteration of figs. U. S. v. 24 Cases * * *. (F. D. C. No. 20894. Sample No. 48164–H.)

LIBEL FILED: September 18, 1946, District of Utah.

ALLEGED SHIPMENT: On or about December 14, 1945, by the Clara Val Packing Co., from Morgan Hill, Calif.

PRODUCT: 24 25-pound cases of figs at Ogden, Utah.

LABEL, IN PART: "Clara Val Choice Black Mission Figs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: November 9, 1946. No claimant having appeared, judgment was entered ordering that the product be destroyed.

11630. Adulteration of figs. U. S. v. 15 Cases * * *. (F. D. C. No. 20867. Sample No. 62716–H.)

LIBEL FILED: September 11, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about November 30, 1945, by the American Roland Food Co., from New York, N. Y.

PRODUCT: 15 cases, each containing 48 8-ounce packages, of figs at San Francisco, Calif.

LABEL, IN PART: "Lions Brand Smyrna Fancy Figs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect excreta.

DISPOSITION: October 24, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11631. Adulteration of dried prunes. U. S. v. 6 Cases * * *. (F. D. C. No. 20907. Sample No. 60242–H.)

LIBEL FILED: September 20, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about February 19 and March 21, 1946, by the California Packing Corp., from San Francisco, Calif.

PRODUCT: 6 cases, each containing 16 2-pound bags, of dried prunes at Olean, N. Y.

LABEL, IN PART: "Highland Brand Santa Clara Prunes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: October 14, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11632. Adulteration of dried prunes. U. S. v. 37 Boxes * * *. (F. D. C. No. 20908. Sample No. 9857–H.)

LIBEL FILED: September 20, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about November 17, 1945, by the California Prune & Apricot Growers Assoc., from San Jose, Calif.

PRODUCT: 37 25-pound boxes of dried prunes at Olean, N. Y.

LABEL, IN PART: "California Fruits Golden Glow Brand Prunes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: October 14, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11633. Adulteration of dried prunes. U. S. v. 148 Cases * * *. (F. D. C. No. 21170. Sample Nos. 61718–H, 61719–H.)

LIBEL FILED: October 9, 1946, District of Idaho.

ALLEGED SHIPMENT: On or about December 29, 1945, and January 17, 1946, by Mason, Ehrman & Co., from Portland, Oreg.

PRODUCT: 148 cases of dried prunes at Lewiston, Idaho.

LABEL, IN PART: "Red Ribbon Brand Oregon Prunes 25 lbs. Net Rosenberg Brothers and Company, Portland, Oregon," or "Mity-Nice Brand Santa Clara Prunes Packed by C. L. Dick & Co., San Jose, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, insect fragments, and insect excreta.

DISPOSITION: February 7, 1947. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

FROZEN FRUIT

11634. Adulteration of frozen blackberries. U. S. v. 631 Cans * * *. (F. D. C. Nos. 20859, 20860. Sample Nos. 40384–H, 40385–H.)

LIBELS FILED: September 11, 1946, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about July 1, 1946, by the Alton Canning Co., from Alton, Mo.

PRODUCT: 852 25-pound cans of frozen blackberries at National Stock Yards, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of fermented and decomposed blackberries.

DISPOSITION: March 18, 1947. The Alton Canning Co., claimant, having admitted the allegations of the libel, and the two cases having been consolidated, judgment of condemnation was entered. The product was ordered released under

bond, conditioned that it be examined and that such portions as might be found fit for human consumption, wine-making, or distillation, be certified for these purposes, and that the remainder be destroyed, under the supervision of the Food and Drug Administration.

11635. Adulteration of frozen black raspberries. U. S. v. 200 Cans * * *. (F. D. C. No. 20825. Sample No. 60723–H.)

LIBEL FILED: August 29, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about July 31, 1946, by Otto W. Cuyler, from North East, Pa.

PRODUCT: 200 30-pound cans of frozen black raspberries at Rochester, N. Y.

LABEL, IN PART: "Fancy Black Raspberries Packed in Syrup Packed By Sunshine Packing Corporation of Pennsylvania North East, Pennsylvania."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten raspberries.

DISPOSITION: September 26, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11636. Adulteration and misbranding of frozen red raspberries in sirup. U. S. v. 176 Cases * * *. (F. D. C. No. 21211. Sample Nos. 58345–H, 64040–H.)

LIBEL FILED: October 1, 1946, District of Connecticut.

ALLEGED SHIPMENT: On or about August 8, 1946, by Musante, Berman & Steinberg Co., Inc., from New York, N. Y.

PRODUCT: 176 cases, each containing 24 16-ounce cartons, of red raspberries in sirup at Bridgeport, Conn. The cartons contained approximately 9 ounces of raspberries and 7 ounces of a sugar solution.

LABEL, IN PART: "Moon Winks Red Raspberries in Syrup Net Wt. 16 Oz. Packed by Midfield Packers Olympia, Wash."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water and sugar had been substituted in part for raspberries.

Misbranding, Section 403 (d), the container of the article was so filled as to be misleading since the cartons appeared to contain more raspberries than they actually contained.

DISPOSITION: February 14, 1947. The Musante, Berman & Steinberg Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be used in the manufacture of jams and preserves, under the supervision of the Food and Drug Administration.

11637. Misbranding of frozen raspberries. U. S. v. 300 Cases * * *. (F. D. C. No. 20760. Sample Nos. 63931–H, 63932–H.)

LIBEL FILED: August 26, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about July 17, 1946, by Braddock Frosted Foods, Inc., from Braddock, N. J.

PRODUCT: 300 cases, each containing 24 cartons, of frozen raspberries at New York, N. Y. The product contained added sugar sirup.

LABEL, IN PART: "Braddock Frosted Foods Braddock, N. J."

NATURE OF CHARGE: Misbranding, Section 403 (e) (1) and (2), the article did not bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (i) (1), it failed to bear a label containing the common or usual name of the food; and, Section 403 (i) (2), it was fabricated from two or more ingredients, raspberries and sugar sirup, and did not bear a label stating the common or usual name of each ingredient.

DISPOSITION: October 2, 1946. Braddock Frosted Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be repacked and relabeled so that it would comply with the law, under the supervision of the Food and Drug Administration.

11638. Adulteration of frozen strawberries. U. S. v. 700 Cases, etc. (F. D. C. Nos. 20845, 21397. Sample Nos. 61524–H, 62409–H.)

LIBELS FILED: On or about October 8 and November 1, 1946, District of Oregon and Northern District of California.

ALLEGED SHIPMENT: On or about July 6 and 11, 1946, by the S. A. Moffett Co., Inc., from Seattle and Mt. Vernon, Wash.

PRODUCT: 700 cases and 224 cases, each case containing 24 1-pound cups or cartons, of frozen strawberries at Portland, Oreg., and Oakland, Calif., respectively.

LABEL, IN PART: "Polar Frosted Foods Sliced Strawberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed strawberry material.

DISPOSITION: January 9 and February 17, 1947. The S. A. Moffett Co., Inc., claimant of the Portland lot, having consented to the entry of a decree, and no claimant having appeared for the Oakland lot, judgments of condemnation were entered. It was ordered that the Portland lot be released under bond for segregation, repackaging, and relabeling under the supervision of the Federal Security Agency, and that the Oakland lot be destroyed.

11639. Adulteration of frozen strawberries. U. S. v. 40 Cases * * *. (F. D. C. No. 21191. Sample No. 40744–H.)

LIBEL FILED: October 11, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 26, 1946, by the Craddock Canning & Preserve Co., from Paducah, Ky.

PRODUCT: 40 cases, each containing 24 1-pound cartons, of frozen strawberries at St. Louis, Mo.

LABEL, IN PART: "Craddock's Fancy Frozen Strawberries with Sugar."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 1, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11640. Adulteration of frozen peaches. U. S. v. 321 Cartons * * *. (F. D. C. No. 21018. Sample No. 42701–H.)

LIBEL FILED: September 19, 1946, District of Columbia.

ALLEGED SHIPMENT: On or about September 24, 1945, by the Associated Frozen Food Packers, Inc., from Wenatchee, Wash.

PRODUCT: 321 30-pound cartons of frozen peaches at Washington, D. C.

LABEL, IN PART: "Elberta [or "Hale"] Peaches Sliced * * * Packed by Associated Frozen Food Packers, Inc. Monitor, Washington."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 8, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11641. Adulteration of frozen pineapple. U. S. v. 873 Cases * * *. (F. D. C. No. 20762. Sample Nos. 54625–H, 54626–H.)

LIBEL FILED: September 3, 1946, Southern District of Florida.

ALLEGED SHIPMENT: On or about June 14 and 29, 1946, by Fros-Tex Foods, Inc., from McAllen, Tex.

PRODUCT: 399 cases and 474 cases, each case containing 12 4-pound cartons, of frozen pineapple at Jacksonville, Fla.

LABEL, IN PART: "Fros Tex Frozen Foods * * * Pineapple Fresh Crushed Packed with Sugar."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 3, 1946. Valley Freezers, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Federal Security Agency.

MISCELLANEOUS FRUIT AND FRUIT PRODUCTS*

11642. Adulteration of cherries in brine. U. S. v. Allen Fruit Co., Inc. Plea of nolo contendere. Fine, $75. (F. D. C. No. 20975. Sample No. 59293–H.)

INFORMATION FILED: November 19, 1946, District of Oregon, against the Allen Fruit Co., Inc., Salem, Oreg.

ALLEGED SHIPMENT: On or about April 27, 1946, from the State of Oregon into the State of Maryland.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: March 14, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $75.

11643. Adulteration of cherries in brine. U. S. v. 696 Barrels * * *. (F. D. C. No. 21006. Sample No. 63668–H.)

LIBEL FILED: September 18, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about May 31, 1946, by Central Processors & Briners, from Ellensburg, Wash.

PRODUCT: 696 400-pound barrels of cherries in brine at Bound Brook, N. J.

LABEL, IN PART: "Chrs. in Brine," or "Orchard Run partly shriveled."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 28, 1946. The Causse Manufacturing & Importing Co., Bound Brook, N. J., claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

11644. Adulteration of maraschino cherries. U. S. v. 25 Cases * * *. (F. D. C. No. 20993. Sample No. 64015–H.)

LIBEL FILED: On or about September 23, 1946, District of Connecticut.

ALLEGED SHIPMENT: On or about June 11, 1946, by the Reco Sales Co., from New York, N. Y.

PRODUCT: 25 cases, each containing 6 ½-gallon jars, of maraschino cherries at New Haven, Conn. Examination showed that the article was fermenting.

LABEL, IN PART: "Reco Cherries (Maraschino Type)."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11645. Adulteration and misbranding of raspberry jelly. U. S. v. St. Louis Fondant Co. Plea of guilty. Fine, $500. (F. D. C. No. 20953. Sample No. 40414–H.)

INFORMATION FILED: November 4, 1946, Eastern District of Missouri, against the St. Louis Fondant Co., a corporation, St. Louis, Mo.

ALLEGED SHIPMENT: On or about May 15, 1946, from the State of Missouri into the State of Illinois.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, raspberry juice, had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for raspberry jelly since it was made from a mixture composed of less than 45 parts by weight of raspberry juice to each 55 parts by weight of one of the saccharine ingredients specified in the definition and standard. The article failed also to conform to the definition and standard since it contained a color, amaranth, as well as artificial raspberry flavor, which are not permitted as optional ingredients of raspberry jelly; and, further, the weight of the corn sirup solids in the article was more than one-half the weight of the total saccharine ingredients.

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*See also Nos. 11507–11509.

DISPOSITION: December 19, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $250 on each count, a total fine of $500.

11646. Adulteration and misbranding of apple butter. U. S. v. 422 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 20878, 21099. Sample Nos. 49958–H, 53332–H.)

LIBELS FILED: September 12 and 23, 1946, Southern District of Ohio and Northern District of Alabama.

ALLEGED SHIPMENT: On or about June 21 and August 7, 1946, by the Goodwin Preserving Co., from Louisville, Ky.

PRODUCT: Apple butter. 422 cases at Cincinnati, Ohio, and 81 cases at Birmingham, Ala. Each case contained 12 1-pound, 13-ounce jars.

LABEL, IN PART: (Jars) "Extra Fancy Goodwin's Best Pure Apple Butter Prepared from evaporated apples."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing dried pear had been substituted in whole or in part for apple butter.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity since it contained added dried pear, which is not permitted by the definition and standard of identity as an ingredient of apple butter prepared from evaporated apples.

DISPOSITION: October 23 and November 1, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions.

11647. Adulteration and misbranding of wine vinegar. U. S. v. Muro Importing Co. and Nicholas Muro. Pleas of guilty. Fines of $400 against each defendant. (F. D. C. No. 20959. Sample Nos. 4649–H, 4651–H.)

INFORMATION FILED: March 17, 1947, Eastern District of New York, against the Muro Importing Co., a partnership, Brooklyn, N. Y., and Nicholas Muro, a partner.

ALLEGED SHIPMENT: On or about September 14, 1945, from the State of New York into the State of Pennsylvania.

LABEL, IN PART: "Muro Pure Wine Vinegar."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of wine vinegar and distilled vinegar, or acetic acid, had been substituted in whole or in part for wine vinegar; and, Section 402 (b) (4), distilled vinegar or acetic acid had been mixed and packed with the article so as to reduce its quality and strength.

Misbranding, Section 403 (a), the label statement "Pure Wine Vinegar" was false and misleading since the article did not consist entirely of wine vinegar, but did consist of a mixture of wine vinegar and distilled vinegar, or acetic acid.

DISPOSITION: May 22, 1947. Pleas of guilty having been entered, the court imposed a fine of $400 against the company and $400 against the individual.

11648. Adulteration and misbranding of wine vinegar. U. S. v. Arthur Needle (Randall Wine Vinegar Co.), and Jacob Needle. Pleas of guilty. Fine, $500. (F. D. C. No. 20945. Sample Nos. 4620–H, 7714–H, 7789–H to 7791–H, incl., 7915–H, 7916–H.)

INFORMATION FILED: November 13, 1946, Southern District of New York, against Arthur Needle, trading as the Randall Wine Vinegar Co., New York, N. Y., and Jacob Needle, manager.

ALLEGED SHIPMENT: Between the approximate dates of May 29 and July 27, 1945, from the State of New York into the States of Pennsylvania, Connecticut, and New Jersey.

LABEL, IN PART: "Eldeen Brand Packed By Eldeen Spice Co. [or "Randall Wine Vinegar Co."] New York Pure Wine Vinegar."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of wine vinegar and distilled vinegar, or acetic acid, had been substituted in whole or in part for wine vinegar, which the article was represented to be; and, Section 402 (b) (4), distilled vinegar or acetic acid had been mixed and packed with the article so as to reduce its quality and strength.

Misbranding, Section 403 (a), the label statements, "Pure Wine Vinegar * * * We guarantee this product to be made from pure wine," were false and misleading.

DISPOSITION: November 21, 1946. Pleas of guilty having been entered on behalf of the defendants, the court imposed a total fine of $500.

CANNED VEGETABLES

11649. Adulteration and misbranding of canned asparagus. U. S. v. 248 Cases * * *. (F. D. C. No. 20783. Sample No. 46918–H.)

LIBEL FILED: September 12, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about August 5, 1946, by the Consolidated Freight Forwarding Co., from Oakland, Calif.

PRODUCT: 248 cases, each containing 24 1-pound, 2-ounce cans, of asparagus at Winona, Minnesota. The product consisted of the tough, fibrous, and inedible parts of asparagus. The regulations require that the product shall consist of the edible portions of asparagus sprouts from which the tips have been removed.

LABEL, IN PART: "Exposition Brand All Green and White—Cuts—Tips Removed Asparagus Packed for Parrott & Co. San Francisco California."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), tough, fibrous, and inedible parts of asparagus had been substituted in whole or in part for asparagus cuts, tips removed.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned asparagus cuts, tips removed.

DISPOSITION: May 15, 1947. No claimant having appeared, judgment was entered ordering the product denatured and disposed of as animal feed; otherwise, it was to be destroyed.

11650. Adulteration and misbranding of canned asparagus. U. S. v. 74 Cases * * *. (F. D. C. No. 20782. Sample No. 45692–H.)

LIBEL FILED: September 24, 1946, District of Puerto Rico.

ALLEGED SHIPMENT: On or about August 9, 1946, by Del Valle, Kahman & Co., from San Francisco, Calif.

PRODUCT: 74 cases, each containing 24 1-pound, 3-ounce cans, of asparagus at Mayaguez, P. R.

LABEL, IN PART: "Fairplay Brand White Cuts—Tips Removed Asparagus * * * Packed for Parrott & Co. San Francisco California."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), tough, fibrous, and inedible parts of asparagus had been substituted in whole or in part for asparagus cuts, tips removed, which the article was represented to be.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned asparagus, which requires that asparagus cuts, tips removed, shall be the edible portion of asparagus sprouts from which the tips have been removed, cut in pieces. The article consisted in whole or in part of tough, fibrous, and inedible parts of asparagus.

DISPOSITION: October 22, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

11651. Adulteration and misbranding of canned beans with pork. U. S. v. 82 Cases * * *. (F. D. C. No. 20833. Sample No. 35000–H.)

LIBEL FILED: August 30, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 3, 1946, by the Northwestern Canning & Packing Co., from Seffner, Fla.

PRODUCT: 82 cases, each containing 6 6-pound, 12-ounce cans, of beans with pork at St. Louis, Mo.

LABEL, IN PART: "Old Glory Brand Beans and Pork with Tomato Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, pork, had been in whole or in part omitted from the article; and, Section 402 (b) (2), an article containing a small piece of inedible pork or bacon rind had been substituted in whole or in part for beans and pork with tomato sauce.

Misbranding, Section 403 (a), the picture on the label of a dish of beans showing a substantial amount of pork, and the designation "Beans and Pork

with Tomato Sauce," were misleading as applied to an article containing a piece of inedible pork or bacon rind and little or no pork meat.

DISPOSITION: October 2, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

11652. Adulteration of pinto beans. U. S. v. 181 Cases * * *. (F. D. C. No. 20840. Sample No. 17696–H.)

LIBEL FILED: September 5, 1946, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about May 17, 1946, by the Comstock Canning Corp., from Penn Yan, N. Y.

PRODUCT: 181 cases, each containing 24 1-pound jars, of pinto beans at Detroit, Mich.

LABEL, IN PART: "Comstock Pinto Beans."

NATURE OF CHARGE: Adulteration, Section 403 (a) (1), the article contained burrs, an added deleterious substance, which may have rendered the article injurious to health.

DISPOSITION: October 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as hog feed.

11653. Adulteration of soybean sprouts. U. S. v. 69 Cases * * *. (F. D. C. No. 20864. Sample No. 60206–H.)

LIBEL FILED: September 10, 1946, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 31, 1945, by C. C. Evans, from Youngstown, Ohio.

PRODUCT: 69 cases, each containing 24 14-ounce jars, of soybean sprouts at Erie, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 16, 1946. No claimant having appeared, judgment of condemnation was entered ordering the product destroyed.

11654. Adulteration of canned mushrooms. U. S. v. Timogenitto (Tim) Buonamici and C. Gordon Sharpless (Hockessin Food Products Co.). Pleas of guilty. Fines of $50 against each defendant. (F. D. C. No. 21531. Sample Nos. 1271–H, 8833–H.)

INFORMATION FILED: February 21, 1947, District of Delaware, against Timogenitto (Tim) Buonamici and C. Gordon Sharpless, trading as the Hockessin Food Products Co., Hockessin, Del.

ALLEGED SHIPMENT: Between the approximate dates of January 2 and March 21, 1946, from the State of Delaware into the States of Pennsylvania and New Jersey.

LABEL, IN PART: "Southwood Farms * * * Mushrooms."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hair fragments, whole insects, insect fragments, black and brown particles, sand, and other extraneous materials; and, Section 402 (a) (4), it had not been properly washed or processed to remove all foreign substances.

DISPOSITION: February 24, 1947. Pleas of guilty having been entered by both defendants, the court imposed a fine of $50 against each, a total fine of $100.

11655. Adulteration of canned field peas. U. S. v. 1,797 Cases * * *. (F. D. C. No. 21003. Sample No. 1678–H.)

LIBEL FILED: September 19, 1946, Western District of North Carolina.

ALLEGED SHIPMENT: On or about July 25, 1946, by Albert W. Sisk & Son, from Wayside, Ga.

PRODUCT: 1,797 cases, each containing 24 cans, of field peas at Charlotte, N. C.

LABEL, IN PART: (Cans) "Pine Cone Brand Field Peas Contents 1 Lb. 4 Oz. Albert W. Sisk and Son Distributors—Not Manufacturers."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: October 21, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11656. Adulteration of canned field peas and canned field peas with snaps. U. S. v. 700 Cases of Canned Field Peas (and 9 other seizure actions against canned field peas and canned field peas with snaps). (F. D. C. Nos. 20761, 20803, 20804, 21589, 21590, 21602, 21605, 21607, 21635, 21978. Sample Nos. 54233–H to 54235–H, incl., 54578–H to 54580–H, incl., 54593–H, 54631–H, 54633–H, 54802–H.)

LIBELS FILED: Between the approximate dates of September 16 and December 20, 1946, Northern and Southern Districts of Florida and Western District of North Carolina.

ALLEGED SHIPMENT: Between the approximate dates of July 5 and August 29, 1946, by the Cherokee Products Co., from Haddock, Ga.

PRODUCT: 7,163 cases of field peas at Hialeah, Jacksonville, and Miami, Fla.; and 2,354 cases of field peas with snaps at Tallahassee, Fla., and Asheville, Hendersonville, and Murphy, N. C. Each case of the products contained 24 1-pound, 4-ounce cans.

LABEL, IN PART: "Osage Brand * * * Canned in Georgia from Fresh Field Peas," or "Osage Brand Field Peas with Snaps."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of larvae.

DISPOSITION: Between November 18, 1946, and March 28, 1947. The Cherokee Products Co. having requested that its claim against the Hialeah lot be dismissed, and no claimant having appeared for the other lots, judgments of condemnation were entered. The Hialeah and Miami lots were ordered destroyed, and the other lots were ordered delivered to public institutions, for use as animal feed.

11657. Adulteration of canned peas and carrots. U. S. v. 109 Cases * * *. (F. D. C. No. 20872. Sample No. 61712–H.)

LIBEL FILED: September 12, 1946, Eastern District of Washington.

ALLEGED SHIPMENT: On or about March 21, 1946, by the Nelson Packing Co., from San Francisco, Calif.

PRODUCT: 109 cases, each containing 24 1-pound, 3-ounce cans, of peas and carrots at Spokane, Wash.

LABEL, IN PART: "Winners Brand * * * Dried Sweet Peas & Diced Carrots."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of weevily peas.

DISPOSITION: November 7, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 11658 to 11665 report actions involving canned peas that purported to be a food for which a standard of quality has been prescribed by law, but the quality was charged to fall below the standard because of higher alcohol-insoluble solids than the maximum permitted by the standard, and the labels failed to bear, in the manner and form that the regulations specify, a statement that the product was below the standard.

11658. Misbranding of canned peas. U. S. v. Klindt-Geiger Canning Co. Plea of guilty. Fine, $200. (F. D. C. No. 20940. Sample Nos. 19274–H, 19278–H, 20300–H.)

INFORMATION FILED: October 7, 1946, Western District of Wisconsin, against the Klindt-Geiger Canning Co., Cassville, Wis.

ALLEGED SHIPMENT: On or about August 6 and 21 and September 7, 1945, from the State of Wisconsin into the States of Iowa and Oklahoma.

LABEL, IN PART: "Pride of Cassville Early June Peas," "Overland Early June Peas," or "Badger Brand Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard prescribed for early June peas.

DISPOSITION: May 6, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed fines totaling $200.

11659. Misbranding of canned peas. U. S. v. Mineral Point Co-operative Packers, Inc. Plea of nolo contendere. Fine, $200. (F. D. C. No. 20962. Sample No. 35702–H.)

INFORMATION FILED: November 19, 1946, Western District of Wisconsin, against the Mineral Point Co-operative Packers, Inc., Mineral Point, Wis.

ALLEGED SHIPMENT: On or about November 20, 1945, from the State of Wisconsin into the State of Missouri.

LABEL, IN PART: "Good Meal Brand Wisconsin Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard.

DISPOSITION: December 3, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $200.

11660. Misbranding of canned peas. U. S. v. St. Cloud Canning Association. Plea of guilty. Fine, $900. (F. D. C. No. 20960. Sample Nos. 19524–H, 19525–H, 19943–H.)

INFORMATION FILED: November 2, 1946, District of Minnesota, against the St. Cloud Canning Assoc., a corporation, St. Cloud, Minn.

ALLEGED SHIPMENT: On or about September 10 and October 4, 1945, from the State of Minnesota into the States of North and South Dakota.

LABEL, IN PART: "Good Value Brand [or "Happy Host Brand"] Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard in quality.

DISPOSITION: January 7, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $300 on each of 3 counts, a total fine of $900.

11661. Misbranding of canned peas. U. S. v. 54 Cases * * *. (F. D. C. No. 20752. Sample No. 54221–H.)

LIBEL FILED: On or about September 16, 1946, Southern District of Florida.

ALLEGED SHIPMENT: On or about May 15, 1946, by the Mississippi Valley Canning Co., from Osceola, Ark.

PRODUCT: 54 cases, each containing 6 No. 10 cans, of peas at Miami, Fla. Examination showed that the product was substandard in quality because of the high percentage of alcohol-insoluble solids. The average net weight of the cans examined was 7 pounds 3.6 ounces, whereas the cans were labeled "Net Wt. 1 Lb. 4 oz."

LABEL, IN PART: "Delta Club Early June Variety Sifted Peas."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (h) (1), it was below standard.

DISPOSITION: December 10, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

11662. Misbranding of canned peas. U. S. v. 94 Cases * * *. (F. D. C. No. 20811. Sample No. 3971–H.)

LIBEL FILED: August 28, 1946, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 26, 1946, by H. P. Cannon & Son, from Bridgeville, Del.

PRODUCT: 94 cases, each containing 24 1-pound, 4-ounce cans, of peas at Scranton, Pa.

LABEL, IN PART: "Diamond State Brand Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard.

DISPOSITION: November 25, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

11663. Misbranding of canned peas. U. S. v. 1,596 Dozen Cans * * * (and 2 other seizure actions). (F. D. C. Nos. 21193, 21365, 21385. Sample Nos. 16495–H, 49898–H, 49903–H.)

LIBELS FILED: October 14, 24, and 31, 1946, Northern District of Alabama and Northern District of Illinois.

ALLEGED SHIPMENT: August 15 and 17 and September 26, 1946, by A. T. Hipke & Sons, Inc., from New Holstein, Wis.

PRODUCT: Canned peas. 1,596 dozen 1-pound, 4-ounce cans, at Bessemer, Ala., 42 cases, each containing 24 1-pound, 4-ounce cans, at Birmingham, Ala., and 249 cases, each containing 24 1-pound, 4-ounce cans, at Chicago, Ill.

LABEL, IN PART: "Little Boy [or "Altona"] Early June Peas," or "Festive Selected Early June Peas Steele-Wedeles Company Distributors Chicago, Ill."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard in quality.

DISPOSITION: November 27 and December 30, 1946. A. T. Hipke & Sons, Inc., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be relabeled in compliance with the law, under the supervision of the Federal Security Agency.

11664. Misbranding of canned peas. U. S. v. 488 Cases * * *. (F. D. C. No. 21171. Sample No. 19393–H.)

LIBEL FILED: October 9, 1946, Southern District of Iowa.

ALLEGED SHIPMENT: On or about July 3, 1946, by the Cobb Canning Co., from Cobb, Wis.

PRODUCT: 488 cases, each containing a quantity of 1-pound, 4-ounce cans, of peas at Des Moines, Iowa.

LABEL, IN PART: "Our Little Cook Brand Wisconsin Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard.

DISPOSITION: January 3, 1947. The Cobb Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled in compliance with the law, under the supervision of the Food and Drug Administration.

11665. Misbranding of canned peas. U. S. v. 596 Cases * * *. (F. D. C. No. 20863. Sample Nos. 22778–H, 40336–H.)

LIBEL FILED: September 10, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 25, 1945, by the Friday Canning Corp., from New Richmond, Wis.

PRODUCT: 596 cases, each containing 24 1-pound, 4-ounce cans, of peas at St. Louis, Mo.

LABEL, IN PART: "Our Value Sweet Peas * * * Distributed by Kitchen Products Inc. Chicago, Ill."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: October 1, 1946. The Friday Canning Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency.

11666. Adulteration of canned mustard greens and canned turnip greens. U. S. v. 798 Cases, etc. (F. D. C. No. 21165. Sample Nos. 24990–H, 24991–H.)

LIBEL FILED: October 14, 1946, Southern District of Texas.

ALLEGED SHIPMENT: On or about June 29, 1946, by the Hinton Food Products Co., from Rogers, Ark.

PRODUCT: 798 cases of mustard greens and 68 cases of turnip greens at Houston, Tex. Each case contained 24 1-pound, 2-ounce cans.

LABEL, IN PART: "Staff-O-Life Brand Mustard Greens [or "Turnip Greens"] Distributed by Canners Exchange, Inc., Springfield, Mo."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of aphids and thrips.

DISPOSITION: January 22, 1947. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

11667. Adulteration of canned turnip greens. U. S. v. 811 Cases and 70 Cases * * * . (F. D. C. Nos. 20999, 21000. Sample Nos. 54636–H, 54637–H.)

LIBELS FILED: September 24, 1946, Southern District of Florida.

ALLEGED SHIPMENT: November 8, 1945, and February 28, 1946, by the White Packing Co., from Vienna, Ga.

PRODUCT: 881 cases, each containing 24 1-pound, 3-ounce cans, of turnip greens at Sanford, Fla.

LABEL, IN PART: "Georgia Turnip Greens."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 6, 1946. The White Packing Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for the segregation of the unfit portion and the salvaging of the remainder, under the supervision of the Federal Security Agency.

11668. Adulteration of canned turnip greens and canned okra. U. S. v. 71 Cases, etc. (F. D. C. No. 20797. Sample Nos. 1882–H, 1884–H.)

LIBEL FILED: September 11, 1946, Western District of North Carolina.

ALLEGED SHIPMENT: On or about April 12 and June 7, 1946, by the Alabama Products Canning Co., Inc., from Roanoke, Ala.

PRODUCT: 71 cases, each containing 24 1-pound, 2-ounce cans, of turnip greens and 88 cases, each containing 6 6-pound, 6-ounce cans, of cut okra at Asheville, N. C.

LABEL, IN PART: "Morris Brand Turnip Greens," or "Morris Brand Cut Okra."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances.

DISPOSITION: May 13, 1947. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

11669. Adulteration of canned mustard greens and canned spinach. U. S. v. 90 Cases, etc. (F. D. C. Nos. 20815, 20895. Sample Nos. 35547–H, 35548–H, 35558–H.)

LIBELS FILED: August 29 and September 18, 1946, Western District of Tennessee.

ALLEGED SHIPMENT: On or about May 6 and June 15, 1946, by the Valley Packing Co., from Atkins, Ark.

PRODUCT: 90 cases, each containing 24 1-pound, 2-ounce cans, of mustard greens and 285 cases, each containing 6 6-pound, 2-ounce cans, of spinach at Memphis, Tenn.

LABEL, IN PART: "Valley Brand Mustard Greens [or "Spinach"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the mustard greens consisted in whole or in part of a filthy substance by reason of the presence of aphids, and the spinach consisted in whole or in part of a decomposed substance.

DISPOSITION: October 21, 1946. The Valley Packing Co. having appeared as claimant for the canned spinach and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the purpose of segregating and destroying the unfit portion, under the supervision of the Federal Security Agency. On November 4, 1946, no claimant having appeared for the mustard greens, judgment of condemnation was entered and the product was ordered destroyed.

11670. Adulteration of canned spinach. U. S. v. Frank Raiter Canning Co., Frank E. Raiter, and Dorothy R. Chrzan. Pleas of nolo contendere. Joint fine of $1,000. (F. D. C. No. 21577. Sample Nos. 45598–H, 45599–H, 59332–H.)

INFORMATION FILED: March 5, 1947, Northern District of California, against the Frank Raiter Canning Co., a corporation, Salinas, Calif., and Frank E. Raiter, president, and Dorothy R. Chrzan, treasurer.

ALLEGED SHIPMENT: On or about April 30 and May 3, 1946, from the State of California into the States of Virginia and Washington.

LABEL, IN PART: "Raiter's Fancy Spinach," or "Fairfax Hall Brand * * * Spinach Packed for Wholesale Grocers Exchange, Inc. Richmond, Va."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of aphids and thrips.

DISPOSITION: March 12, 1947. Pleas of nolo contendere having been entered on behalf of the three defendants, the court imposed a joint fine of $1,000 against the corporation and the two individual defendants.

11671. Adulteration of canned spinach. U. S. v. 1,185 Cases * * *. (F. D. C. No. 20828. Sample No. 67220–H.)

LIBEL FILED: August 30, 1946, District of Nebraska.

ALLEGED SHIPMENT: On or about March 18, 1946, by Whiteside Canners, from Van Buren, Ark.

PRODUCT: 1,185 cases, each containing 24 1-pound, 2-ounce cans, of spinach at Omaha, Nebr.

LABEL, IN PART: "Yellowstone Brand Spinach * * * Paxton and Gallagher Co. Distributors Omaha, Nebraska."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: January 9, 1947. Whiteside Canners, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

11672. Adulteration of canned spinach. U. S. v. 175 Cases * * *. (F. D. C. No. 21396. Sample No. 23598–H.)

LIBEL FILED: October 30, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about January 3, 1945, by the Appleby-Young Canning Co., from Johnsons, Ark.

PRODUCT: 175 cases, each containing 24 1-pound, 2-ounce cans, of spinach at St. Louis, Mo.

LABEL, IN PART: "Hiwasse Brand Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 27, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FROZEN VEGETABLES

11673. Adulteration of frozen asparagus. U. S. v. 1,550 Cases * * *. (F. D. C. No. 20987. Sample No. 65379–H.)

LIBEL FILED: September 13, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 31, 1946, by Ecco Frozen Foods, from Longview, Wash.

PRODUCT: 1,550 cases, each containing 24 12-ounce packages, of frozen asparagus at Philadelphia, Pa.

LABEL, IN PART: "Goff's Fresh Frosted Cut Spears Asparagus * * * Packed for Goff's Frosted Food Co., Chester, Pa."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: September 25, 1946. Goff's Frosted Foods, Chester, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned upon the segregation of the fit portion and the destruction of the unfit portion, under the supervision of the Food and Drug Administration.

11674. Misbranding of frozen asparagus. U. S. v. 726 Cases * * *. (F. D. C. No. 20807. Sample No. 41663–H.)

LIBEL FILED: September 12, 1946, District of Maryland.

ALLEGED SHIPMENT: On or about June 19, 1946, by the Joseph Kiser Co., from Santa Clara, Calif.

PRODUCT: 726 cases, each containing 24 10-ounce packages, of frozen asparagus at Baltimore, Md.

LABEL, IN PART: "Net Weight 10 Oz. Avoir. Carpel's Quick Frosted Asparagus * * * Packed For Carpel Frosted Foods, Inc. Washington, D. C."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container was so filled as to be misleading since the packages were not filled to capacity, as an additional two ounces of asparagus could be placed in each package.

DISPOSITION: November 18, 1946. Carpel Frosted Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for repacking under the supervision of the Food and Drug Administration.

11675. Adulteration of frozen cauliflower. U. S. v. 2,063 Cartons * * *. (F. D. C. No. 21177. Sample Nos. 44492–H, 44494–H.)

LIBEL FILED: October 9, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about November 6, 1945, by Midfield Packers, from Olympia, Wash.

PRODUCT: 2,063 20-pound cartons of frozen cauliflower at Los Angeles, Calif. Examination showed that the article was sour.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 30, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11676. Adulteration of frozen peas. U. S. v. 400 Boxes * * *. (F. D. C. No 20779. Sample No. 3968–H.)

LIBEL FILED: On or about September 9, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about July 8, 1946, by John S. Isaacs & Sons, from Ellendale, Del.

PRODUCT: 400 50-pound boxes of frozen peas at Haddonfield, N. J.

LABEL, IN PART: "Early June Peas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 11, 1946. No claimant having appeared, judgment of condemnation was entered ordering the product destroyed.

TOMATOES AND TOMATO PRODUCTS*

11677. Adulteration of tomato paste. U. S. v. Parodi, Erminio & Co., Inc., and Russell Simi. Pleas of nolo contendere. Fine of $50 against the individual defendant; case against corporate defendant dismissed upon payment of fine imposed upon the individual defendant. (F. D. C. No. 20937. Sample Nos. 46041–H, 46042–H.)

INFORMATION FILED: October 10, 1946, Northern District of California, against Parodi, Erminio & Co., Inc., San Francisco, Calif., and Russell Simi, vice president.

ALLEGED SHIPMENT: On or about December 18, 1945, from the State of California into the State of Nevada.

LABEL, IN PART: "6 In 1 Brand Tomato Paste * * * Packed By Escalon Packers Inc. Escalon Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: October 11, 1946. Pleas of nolo contendere having been entered on behalf of both defendants, the court imposed a fine of $25 on each count against the individual defendant, a total fine of $50. The case against the corporate defendant was ordered dismissed upon payment of the fine imposed upon the individual defendant.

11678. Misbranding of tomato paste. U. S. v. 197 Cartons * * *. (F. D. C. No. 21212. Sample No. 70618–H.)

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*See also No. 11510.

LIBEL FILED: September 30, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 10, 1946, by Empire Freight, for the Tosi Trading Co., from Los Angeles, Calif.

PRODUCT: 197 cartons, each containing 6 6-pound, 12-ounce cans, of tomato paste at Boston, Mass. The product contained less than 25 percent of salt-free tomato solids.

LABEL, IN PART: "Campania Brand Tomato Paste * * * Packed in California by West Coast Packing Corp. Long Beach, California."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard for tomato paste since the definition and standard specifies that tomato paste shall contain not less than 25.00 percent of salt-free tomato solids.

DISPOSITION: November 1, 1946. The Tosi Trading Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

11679. Adulteration of tomato puree. U. S. v. Joseph Bertman (Bertman Pickle Co.). Plea of guilty. Fine, $400 and costs. (F. D. C. No. 20971. Sample Nos. 13343–H, 34930–H, 39439–H, 52648–H to 52650–H, incl.)

INFORMATION FILED: November 12, 1946, Northern District of Ohio, against Joseph Bertman, trading as the Bertman Pickle Co., Cleveland, Ohio.

ALLEGED SHIPMENT: Between the approximate dates of February 20 and March 8, 1946, from the State of Ohio into the State of Illinois.

LABEL, IN PART: (Can) "Tomato Puree Packed by Lutz Canning Company, Defiance, Ohio," "Tomato Puree Distributed by Walter English, Columbus, Ohio," or "Tomato Puree Packed by Pleasant Hill Canning Company, Pleasant Hill, Ohio."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: February 28, 1947. A plea of guilty having been entered by the defendant, the court imposed a fine of $400, plus costs.

11680. Adulteration of tomato puree. U. S. v. 1,421 Cases * * *. (F. D. C. No. 21178. Sample No. 49866–H.)

LIBEL FILED: October 25, 1946, Western District of Louisiana.

ALLEGED SHIPMENT: On or about June 24, 1946, by the Mission Food Products Co., from Mission, Tex.

PRODUCT: 1,421 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at St. Martinville, La.

LABEL, IN PART: "Valley Rose Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: February 27, 1947. The Mission Food Products Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Federal Security Agency.

11681. Adulteration of tomato puree. U. S. v. 180 Cases * * *. (F. D. C. No. 20800. Sample No. 1932–H.)

LIBEL FILED: On or about September 12, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about June 17, 1946, by the Mission Food Products Co., from Mission, Tex.

PRODUCT: 180 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree at Atlanta, Ga.

LABEL, IN PART: "Kenmore Tomato Puree * * * Packed for John Sexton & Co. Distributors Chicago-Brooklyn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of maggots, fly eggs, and decomposed tomato material.

DISPOSITION: October 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11682. Adulteration of tomato puree. U. S. v. 591 Cases * * *. (F. D. C. No. 21186. Sample No. 61438–H.)

LIBEL FILED: October 23, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about June 21, 1946, by the Adams Gardens Food Products Co., from Harlingen, Tex.

PRODUCT: 591 cases, each containing 6 No. 10 cans, of tomato puree at Olympia, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae and fly eggs.

DISPOSITION: December 10, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11683. Adulteration of tomato puree. U. S. v. 527 Cases * * *. (F. D. C. No. 21206. Sample No. 54565–H.)

LIBEL FILED: October 2, 1946, Southern District of Florida.

ALLEGED SHIPMENT: On or about June 28, 1946, by the Adams-Heaner Co., from Mercedes, Tex.

PRODUCT: 527 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Tampa, Fla.

LABEL, IN PART: "Altex Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was composed in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

DISPOSITION: October 29, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11684. Adulteration of tomato puree. U. S. v. 552 Cases * * *. (F. D. C. No. 20898. Sample No. 38195–H.)

LIBEL FILED: September 30, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 1, 1946, by the Bennett-Ray Canning Co., from Pharr, Tex.

PRODUCT: 552 cases, each containing 6 No. 10 cans, of tomato puree at Chicago, Ill.

LABEL, IN PART: "Don-Rio Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 3, 1947. The Bennett-Ray Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be converted into stock feed, under the supervision of the Federal Security Agency.

11685. Adulteration of tomato puree and misbranding of canned tomatoes. U. S. v. 336 Cases of Canned Tomatoes (and 8 other seizure actions against canned tomatoes and tomato puree). (F. D. C. Nos. 21163, 21989, 22106 to 22109, incl., 22160, 22203, 22253. Sample Nos. 41979–H, 43085–H, 57495–H, 57496–H, 60840–H, 64827–H, 90711–H, 91022–H.)

LIBELS FILED: Between the dates of October 11, 1946, and February 5, 1947, Western District of Pennsylvania, District of Columbia, District of Massachusetts, Eastern District of Virginia, and Southern and Eastern Districts of New York.

ALLEGED SHIPMENT: Between the approximate dates of July 29 and November 27, 1946, by A. W. Sisk & Son, from Aberdeen, Federalsburg, and Preston, Md.

PRODUCT: Canned tomatoes. 336 cases at Pittsburgh, Pa.; 154 cases at Boston, 192 cases at Brookline, and 433 cases at Beverly, Mass.; and 1,167 cases at Jamaica, N. Y.

Tomato puree. 449 cases at Washington, D. C.; 900 cases at Norfolk, Va.; and 279 cases at New York, N. Y.

Each case of canned tomatoes contained 24 1-pound, 3-ounce cans, and each case of tomato puree contained 6 6-pound, 8-ounce cans.

LABEL, IN PART: "Pride Brand Tomatoes * * * Packed by B. E. Harrington & Son, Taylors Island, Md.," "Red-Glo Tomatoes," "Kent Farm Brand Tomatoes Albert W. Sisk and Son Distributors—Not Manufacturers Preston, Maryland," or "Wright's Tomato Puree * * * Packed in U. S. A. by John N. Wright, Jr. Federalsburg, Md."

NATURE OF CHARGE: Tomato puree. Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Canned tomatoes. Misbranding, Section 403 (h) (1), the quality of the article was below standard because of an excess of tomato peel and blemishes, and its label failed to bear a statement that it was substandard.

DISPOSITION: Between the dates of January 17 and March 6, 1947. C. Foster Mathews & Sons, Kingston, Md., Wright Brothers, Federalsburg, Md., and B. E. Harrington & Son, Taylors Island, Md., having appeared as claimants for the canned tomatoes, and no claimant having appeared for the tomato puree, judgments of condemnation were entered. It was ordered that the canned tomatoes be released under bond, conditioned that they be relabeled under the supervision of the Federal Security Agency, and that the tomato puree be destroyed, except for such portion of the New York lot as might be required by the Food and Drug Administration.

11686. Adulteration and misbranding of tomato puree. U. S. v. 637 Cases * * *. (F. D. C. No. 21173. Sample No. 67413–H.)

LIBEL FILED: October 8, 1946, Northern District of Oklahoma.

ALLEGED SHIPMENT: On or about June 12, 1946, by the Delta Canning Co., from Raymondville, Tex.

PRODUCT: 637 cases, each containing 48 10½-ounce cans, of tomato puree at Tulsa, Okla.

LABEL, IN PART: "Frost Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of maggots.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids, the minimum permitted by the definition and standard.

DISPOSITION: October 28, 1946. Default decree of condemnation and destruction.

11687. Misbranding of tomato puree. U. S. v. 197 Cases, etc. (F. D. C. Nos. 20874, 21010. Sample Nos. 1288–H, 1289–H.)

LIBELS FILED: September 13 and 20, 1946, Middle District of Alabama and Middle District of Georgia.

ALLEGED SHIPMENT: On or about June 28, 1946, by the Northwestern Canning & Packing Co., from Seffner, Fla.

PRODUCT: Tomato puree. 197 cases at Dothan, Ala., and 97 cases at Bainbridge, Ga. Each case contained 24 1-pound, 3-ounce cans, of the product.

LABEL, IN PART: "Old Glory Brand Tomato Puree."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids.

DISPOSITION: October 18 and November 1, 1946. Default decrees of condemnation. The Dothan lot was ordered destroyed, and the Bainbridge lot was ordered delivered to a Federal institution.

11688. Adulteration of tomato sauce. U. S. v. 99 Cases * * *. (F. D. C. No. 21167. Sample No. 59059–H.)

LIBEL FILED: On or about October 14, 1946, District of Montana.

ALLEGED SHIPMENT: On or about June 12, 1946, by Tyrrell & Garth, Inc., from Los Fresnos, Tex.

PRODUCT: 99 cases, each containing 72 8-ounce cans, of tomato sauce at Great Falls, Mont.

LABEL, IN PART: "Garth Brand Spanish Style Tomato Sauce * * * The Garth Co., Los Fresnos, Tex."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: December 9, 1946. Default decree of condemnation and destruction.

11689. Adulteration and misbranding of tomato sauce. U. S. v. 399 Cases * * *. (F. D. C. No. 20901. Sample No. 39978–H.)

LIBEL FILED: September 19, 1946, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about July 22, 1946, by the Uddo & Taormina Co., from Greenville, Miss.

PRODUCT: 399 cases, each containing 48 10-ounce cans, of tomato sauce at Eudora, Ark.

LABEL, IN PART: "Baby Brand Tomato Sauce Color Added."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an unconcentrated or slightly concentrated unspiced comminuted tomato liquid with added salt had been substituted in whole or in part for tomato sauce, an article understood to be a spiced comminuted tomato product which is more concentrated than was this article.

Misbranding, Section 403 (a), the label statement "Tomato Sauce" was false and misleading. The label statement "Color Added" was false and misleading as applied to the article, which contained no added color.

DISPOSITION: October 29, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

11690. Adulteration of Spanish Style Tomato Sauce. U. S. v. 76 Cases * * *. (F. D. C. No. 21039. Sample No. 3975–H.)

LIBEL FILED: September 23, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 28, 1946, by the Akin Products Co., from Mission, Tex.

PRODUCT: 76 cases, each containing 48 8-ounce cans, of Spanish Style Tomato Sauce at Philadelphia, Pa.

LABEL, IN PART: "Val-Tex Brand Spanish Style Tomato Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

DISPOSITION: October 22, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

OILS AND FATS

11691. Adulteration and misbranding of French Style Dressing. U. S. v. 50 Cases, etc. (F. D. C. No. 21015. Sample Nos. 1685–H, 1686–H.)

LIBEL FILED: September 19, 1946, Western District of North Carolina.

ALLEGED SHIPMENT: On or about June 27 and August 8, 1946, by Clyde Collins, Inc., from Memphis, Tenn.

PRODUCT: 50 cases, each containing 24 6-fluid-ounce bottles, of French Style Dressing and 88 cases, each containing 36 2¼-fluid-ounce bottles, of the same product at Charlotte, N. C.

LABEL, IN PART: "Chef's French Style Dressing * * * Chef's Food Products, Memphis, Tenn.," or "Collins French Style Dressing * * * Made in U. S. A. by Clyde Collins, Inc., Memphis, Tenn."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, oil, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a), the designation "French Style Dressing" was false and misleading as applied to the article, which contained an insignificant amount of oil.

DISPOSITION: November 21, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

11692. Adulteration of salad dressing. U. S. v. 1,650 Jars, etc. (F. D. C. Nos. 20911, 20912. Sample Nos. 43987–H, 43988–H.)

LIBEL FILED: September 20, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about May 23 and June 11, 1946, by Star Distributors, from Tillamook, Oreg.

PRODUCT: 1,890 1-pint jars of salad dressing at Los Angeles, Calif.

LABEL, IN PART: "Slenderite Delightful on Salads Contains U. S. P. White Oil * * * Mfg. by Marquis Products Co. Portland Oregon."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained approximately 69 percent added mineral oil, a deleterious substance, which may have rendered it injurious to health.

DISPOSITION: October 31, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11693. Adulteration of salad dressing. U. S. v. 2 Cartons * * *. (F. D. C. No. 20806. Sample No. 56966–H.)

LIBEL FILED: September 16, 1946, District of New Hampshire.

ALLEGED SHIPMENT: On or about July 10, 1946, by C. A. Gross & Co., Inc., from Fitchburg, Mass.

PRODUCT: 2 cartons, each containing 24 1-pint jars, of salad dressing at Keene, N. H.

LABEL, IN PART: "Mrs. Boardman's Leanermaise Low-Calorie Dressing for Salads * * * Contains: Non-nutritive Mineral Oil * * * Leanermaise Co. Boston, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained approximately 84 percent added mineral oil, a deleterious substance, which may have rendered the article injurious to health.

DISPOSITION: November 8, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11694. Adulteration of salad dressing. U. S. v. 7 Cases * * *. (F. D. C. No. 20795. Sample No. 65371–H.)

LIBEL FILED: On or about September 16, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about June 26, 1946, by T. W. Finch & Co., from Rochester, N. Y.

PRODUCT: 7 cases each containing 4 3-quart, 4-fluid-ounce jars, of salad dressing at Camden, N. J.

LABEL, IN PART: "Finch's 'Money-Saver' Salad Dressing."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, monochloracetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and could have been avoided by good manufacturing practice.

DISPOSITION: October 11, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11695. Adulteration of salad dressing. U. S. v. 5 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 20789, 20790. Sample Nos. 65373–H, 65375–H.)

LIBELS FILED: September 9, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 24 and 29, 1946, by T. W. Finch & Co., from Rochester, N. Y.

PRODUCT: 10 cases, each containing 4 3-quart, 4-fluid-ounce jars, of salad dressing at Philadelphia, Pa.

LABEL, IN PART: "Finch's 'Money-Saver' Salad Dressing."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, monochloracetic acid, which is

unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice.

DISPOSITION: October 8, 1946. No claimant having appeared for either lot, judgments of condemnation were entered and the product was ordered destroyed.

11696. Adulteration and misbranding of salad dressing. U. S. v. 134 Dozen Jars, etc. (F. D. C. No. 20877. Sample No. 39001–H.)

LIBEL FILED: September 12, 1946, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about August 17, 1946, by Green-Leaf Food Distributors, from Chicago, Ill.

PRODUCT: 134 dozen 1-pint jars and 50 dozen 1-quart jars of salad dressing at Detroit, Mich.

LABEL, IN PART: "Green-Leaf Double Whipped Salad Dressing Consists of: Salad Oil (Cotton, Corn, White, Soya), Vinegar, Water, Sugar (Sugar Syrup, Saccharin), Eggs, Salt, Cornstarch, Dextrose, Spices, Tragacanth Gums."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained approximately 17 percent added mineral oil, a deleterious substance, which may have rendered the article injurious to health; Section 402 (b) (1), valuable constituents, edible vegetable oil and sugar, had been in whole or in part omitted from the article; and, Section 402 (b) (2), a product containing nonnutritive mineral oil and saccharin had been substituted in whole or in part for salad dressing containing edible vegetable oil and sugar.

Misbranding, Section 403 (a), the label statement "Green-Leaf Double Whipped Salad Dressing" was false and misleading.

DISPOSITION: October 2, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11697. Adulteration of Slendermaise salad dressing. U. S. v. 9 Cases * * *. (F. D. C. No. 21014. Sample No. 57564–H.)

LIBEL FILED: September 20, 1946, District of New Hampshire.

ALLEGED SHIPMENT: On or about July 29, 1946, by the American Food Products Co., from Boston, Mass.

PRODUCT: 9 cases, each containing 12 1-quart jars, of Slendermaise salad dressing at Manchester, N. H.

LABEL, IN PART: "Slendermaise Low Calorie Dressing for Salads & Sandwiches Made by Tumarkin Brothers—Boston, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained, in varying amounts, from 62 to 80 percent added mineral oil, a deleterious substance, which may have rendered the article injurious to health.

DISPOSITION: November 8, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11698. Adulteration of salad oil. U. S. v. 5 Drums * * *. (F. D. C. No. 20784. Sample No. 65547–H.)

LIBEL FILED: September 5, 1946, Eastern District of Pennsylvania; libel amended September 10, 1946.

ALLEGED DELIVERY FOR SHIPMENT: On or about July 8, 1946, by "Babe" Sugarman, of Philadelphia, Pa. The product was delivered to a transportation company in Philadelphia, Pa., for shipment to a consignee in Wildwood, N. J.

PRODUCT: 5 unlabeled drums, each containing 55 gallons, of salad oil at Philadelphia, Pa. Examination showed that the article was artificially colored and flavored mineral oil, but it was represented as salad oil.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), nonnutritive mineral oil had been substituted in whole or in part for salad oil, which the article was represented to be; and Section 402 (b) (4), artificial flavoring and coloring had been added to nonnutritive mineral oil and mixed and packed with it so as to make it appear better and of greater value than it was.

DISPOSITION: October 3, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11699. Adulteration of salad oil. U. S. v. 1 Drum * * *. (F. D. C. No. 20785. Sample No. 65551–H.)

LIBEL FILED: On or about September 11, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about July 17, 1946, by an unknown shipper, from Philadelphia, Pa.

PRODUCT: 1 49-gallon drum of salad oil at Wildwood, N. J. Examination showed that the article was artificially colored and flavored mineral oil. The product had been represented by the shipper to be salad oil for food use, and it was being used for frying purposes. It had the appearance, odor, and consistency of salad oil.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), nonnutritive mineral oil had been substituted in whole or in part for salad oil, which the article was represented to be; and, Section 402 (b) (4), artificial flavoring and artificial coloring had been added to, and mixed and packed with, nonnutritive mineral oil so as to make the article appear better and of greater value than it was.

DISPOSITION: October 11, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11700. Misbranding of mineral oil. U. S. v. 2 Drums * * *. (F. D. C. No. 20777. Sample No. 1887–H.)

LIBEL FILED: September 11, 1946, Western District of South Carolina.

ALLEGED SHIPMENT: On or about June 18, 1946, by the Webb Manufacturing Co., from Trussville, Ala.

PRODUCT: 2 5-gallon drums of mineral oil at Union, S. C.

LABEL, IN PART: "Divider Oil Divider Oil is to be used in connection with 'The Kettle Cleaning Kit' * * * This is an edible oil made entirely of liquid petrolatum."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "This is an edible oil" was false and misleading as applied to nonnutritive mineral oil.

DISPOSITION: October 31, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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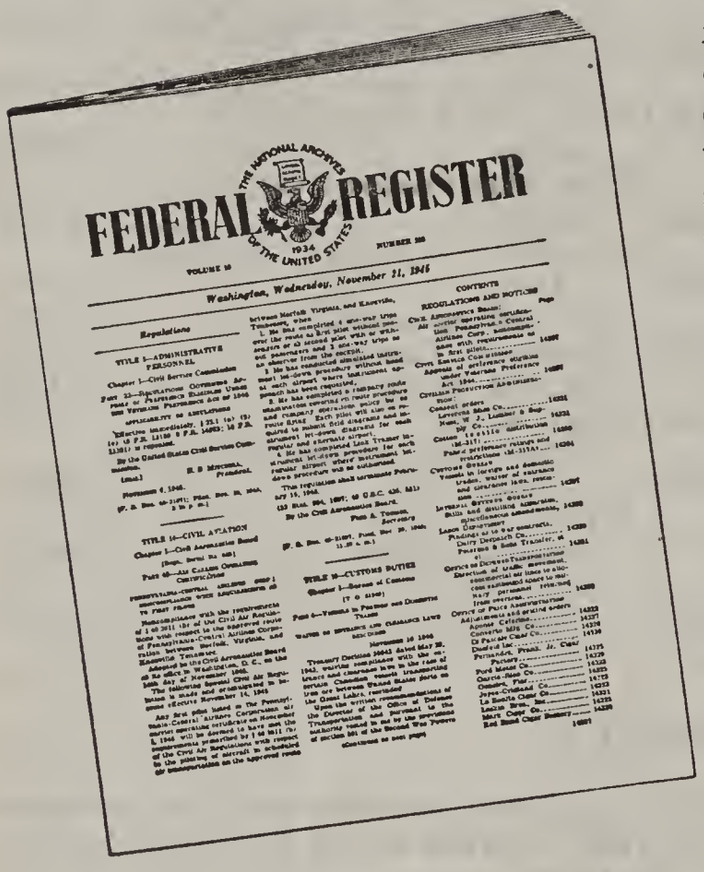
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ERRATA

F. N. J. 11043: After LABEL, IN PART, line 1, change first word "An" to "Au"; after line 4, change duplicate line 1 to read "NATURE OF CHARGE: 'Au Gormet' Brand, adulteration, Section 402 (b) (2), brine"

FEDERAL REGISTER

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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

11701–11850

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

OSCAR R. EWING, *Administrator, Federal Security Agency.*

WASHINGTON, D. C., *March 17, 1948.*

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CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

11701. Adulteration of bakery products. U. S. v. Grocers Baking Co., Inc., of Tennessee. Plea of nolo contendere. Fine, $1,800. (F. D. C. No. 21499. Sample Nos. 13327–H to 13329–H, incl., 14161–H, 14164–H, 14166–H.)

INFORMATION FILED: December 17, 1946, Eastern District of Tennessee, against the Grocers Baking Co., Inc., of Tennessee, Johnson City, Tenn.

ALLEGED SHIPMENT: On or about September 21 and 22, 1945, and February 9, 1946, from the State of Tennessee into the States of Kentucky and Virginia.

LABEL, IN PART: (Portion) "Fruit Pies," "Honey-Crust Sweet Rolls," or "Sandwich White Bread Honey-Krust Brand."

NATURE OF CHARGE: Coconut pies and butterscotch pies. Adulteration, Section 402 (a) (1), the articles bore and contained poisonous and deleterious substances, which may have rendered the products injurious to health.

Peach pie, sweet rolls, and sandwich bread. Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of rodent hairs, rodent hair fragments, and insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: March 3, 1947. A plea of nolo contendere having been entered on behalf of the corporation, the court imposed a fine of $1,800.

11702. Adulteration of cakes. U. S. v. Old Plantation Baking Co. Plea of guilty. Fine, $1,000. (F. D. C. No. 14316. Sample Nos. 69365–F, 69371–F, 69374–F, 69375–F.)

INDICTMENT RETURNED: June 14, 1945, District of Montana, against the Old Plantation Baking Co., a corporation, Helena, Mont.

ALLEGED SHIPMENT: On or about July 27 and 28, 1944, from the State of Montana into the States of Idaho and Washington.

LABEL, IN PART: (Portion) "Eddy's Gold Cake [or "Burnt Sugar Cake"] Eddy's Bakery General Offices, Helena, Mont."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent-like hairs, feather barbules, an animal hair, an insect, and nondescript dirt; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 19, 1946. A plea of guilty having been entered on behalf of the defendant, a fine of $1,000 was imposed.

11703. Adulteration of ice cream cones. U. S. v. 48 Cases * * *. (F. D. C. No. 21232. Sample No. 41957–H.)

LIBEL FILED: October 11, 1946, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about July 21 and September 3, 1946, by the Maryland Baking Co., from Baltimore, Md.

PRODUCT: 48 cases, each containing 10 cartons, of ice cream cones at Hampton, Va.

LABEL, IN PART: (Carton) "This Carton Contains 100 Mabco Cake Cones."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, insect fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 8, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11704. Adulteration of ice cream cone cups. U. S. v. 25 Cases * * *. (F. D. C. No. 21362. Sample Nos. 60774–H, 60775–H.)

LIBEL FILED: October 24, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about September 10. 1945, and September 9, 1946, by the Maryland Baking Co., from Baltimore, Md.

PRODUCT: 25 cases, each containing 2 cartons, of ice cream cone cups at Rochester, N. Y.

LABEL, IN PART: "300 Eat it All No. 5 Kups."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 6, 1947. Default decree of condemnation and destruction.

11705. Adulteration of ice cream cone cups. U. S. v. 32 Cases * * *. (F. D. C. No. 21214. Sample No. 41954–H.)

LIBEL FILED: October 3, 1946, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about September 7, 1946, by the Maryland Baking Co., from Baltimore, Md.

PRODUCT: Ice cream cone cups. 17 cases, each containing 6 cartons, and 15 cases, each containing 4 cartons, at Norfolk, Va.

LABEL, IN PART: "Flavorized Eat-It-All Cake Cups."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect parts, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CORN MEAL

11706. Adulteration of corn meal. U. S. v. Aylor & Meyer Co., Wilford H. Aylor, and Anthony N. Meyer. Pleas of guilty. Each defendant fined $100. (F. D. C. No. 21568. Sample Nos. 53338–H, 53815–H to 53819–H, incl.)

INFORMATION FILED: March 1, 1947, Southern District of Indiana, against the Aylor & Meyer Co., a partnership, trading at Aurora and Rising Sun, Ind., and Wilford H. Aylor and Anthony N. Meyer, partners.

ALLEGED SHIPMENT: On or about August 5 and September 24, 1946, from the State of Indiana into the State of Kentucky.

LABEL, IN PART: "Romeo White Bolted Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, insects, insect fragments, rodent hairs, and sand.

DISPOSITION: March 21, 1947. Pleas of guilty having been entered on behalf of the defendants, the court imposed fines of $100 against the partnership and $100 against each of the individual defendants.

11707. Adulteration of corn meal. U. S. v. Anderson & Spilman. Plea of nolo contendere. Fine of $500 and costs suspended; defendant placed on probation for 3 years. (F. D. C. No. 21557. Sample No. 53444–H.)

INFORMATION FILED: January 31, 1947, Eastern District of Kentucky, against Anderson & Spilman, a partnership, Danville, Ky.

ALLEGED SHIPMENT: On or about August 5, 1946, from the State of Kentucky into the State of Tennessee.

LABEL, IN PART: "Snow Flake Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta fragments.

DISPOSITION: June 10, 1947. A plea of nolo contendere having been entered, the court imposed a fine of $500 and costs, which was suspended, and placed the defendant on probation for a period of 3 years.

11708. Adulteration of corn meal. U. S. v. Greeneville Milling Co. Plea of nolo contendere. Fine, $400. (F. D. C. No. 21539. Sample Nos. 53291–H, 53502–H.)

INFORMATION FILED: On or about January 8, 1947, Eastern District of Tennessee, against the Greeneville Milling Co., a partnership, Greeneville, Tenn.

ALLEGED SHIPMENT: On or about July 22 and 27, 1946, from the State of Tennessee into the State of North Carolina.

LABEL, IN PART: "Velvette Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent excreta.

DISPOSITION: February 28, 1947. A plea of nolo contendere having been entered, the court imposed a fine of $400.

11709. Adulteration of corn meal. U. S. v. H. C. Milling Co. Plea of guilty. Fine, $400. (F. D. C. No. 21547. Sample Nos. 53298–H, 53457–H.)

INFORMATION FILED: January 25, 1947, Eastern District of Tennessee, against the H. C. Milling Co., a partnership, Morristown, Tenn.

ALLEGED SHIPMENT: On or about July 25 and September 25, 1946, from the State of Tennessee into the State of Kentucky.

LABEL, IN PART: "Snow White Fresh Ground Bolted Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent excreta.

DISPOSITION: February 27, 1947. A plea of guilty having been entered, the court imposed a fine of $400.

11710. Adulteration of corn meal. U. S. v. Stegall Feed Co. Plea of nolo contendere. Fine, $100. (F. D. C. No. 21518. Sample Nos. 53276–H, 53277–H.)

INFORMATION FILED: December 30, 1946, Eastern District of Tennessee, against the Stegall Feed Co., a partnership, Chattanooga, Tenn.

ALLEGED SHIPMENT: On or about July 8 and 15, 1946, from the State of Tennessee into the State of Georgia.

LABEL, IN PART: "Bolted Corn Meal Moccasin Bend Stone Ground Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent excreta and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 22, 1947. The defendant having entered a plea of nolo contendere, the court imposed a fine of $100.

11711. Adulteration of corn meal. U. S. v. 175 Bags * * *. (F. D. C. No. 21340. Sample No. 53617–H.)

LIBEL FILED: October 22, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about August 7, 1946, by the Vernon Roller Mills, from Vernon, Ind.

PRODUCT: 175 25-pound bags of corn meal at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

DISPOSITION: November 22, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold for conversion into stock feed.

FLOUR*

11712. Adulteration of plain flour and self-rising flour. U. S. v. J. A. Stevenson (White Fawn Mill & Elevator Co.), and Lawrence Holt. Pleas of guilty. Company fined $100; individual, $20. (F. D. C. No. 21556. Sample Nos. 25572–H to 25576–H, incl., 25751–H to 25753–H, incl., 47499–H, 47500–H.)

INFORMATION FILED: January 31, 1947, District of Utah, against J. A. Stevenson, trading as the White Fawn Mill & Elevator Co., South Jordan, near Midvale, Utah, and Lawrence Holt, manager of the company.

ALLEGED SHIPMENT: On or about March 27 and August 6, 1946, from the State of Utah into the State of Nevada.

LABEL, IN PART: "Snow Ball High Patent Flour Bleached," "White Fawn High Patent Flour Bleached," "White Fawn Flour Enriched," "Golden M High Patent Flour * * * Maxfield Feed, Coal and Flour, Inc." "Silver M High Patent Flour Bleached Manufactured By Maxfield Flour & Feed, Inc. Salt Lake City & Murray, Utah," or "White Fawn Self-Rising Pancake and Waffle Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of one or more of the following: Rodent hairs, animal hairs resembling rodent hairs, insect parts, and moth scales. Further adulteration, Section 402 (a) (4), the articles had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: March 22, 1947. Both defendants having pleaded guilty, the court imposed a fine of $100 against the company and $20 against the individual defendant.

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*See also No. 11721.

11713. Adulteration of flour and self-rising flour. U. S. v. 48 Bags, etc. (F. D. C. Nos. 22277, 22278. Sample Nos. 54357–H, 54358–H.)

LIBEL FILED: February 7, 1947, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about June 24, and September 23, 1946, from Hopkinsville, Ky., and Loudonville, Ohio, respectively.

PRODUCT: 48 50-pound bags of flour and 50 50-pound bags of self-rising flour at Salisbury, N. C., in possession of the Thomas & Howard Co. The products were stored under insanitary conditions after shipment in interstate commerce. Some of the bags were rodent-gnawed, and rodent urine was observed on them. Examination showed that the products were contaminated with rodent urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: March 14, 1947. The cases having been consolidated, and the Thomas & Howard Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond to be denatured and sold for industrial use, under the supervision of the Federal Security Agency.

11714. Adulteration of flour. U. S. v. 215 Bags * * *. (F. D. C. No. 21335. Sample No. 43133–H.)

LIBEL FILED: October 17, 1946, Western District of Virginia.

ALLEGED SHIPMENT: On or about July 18, 1946, from Nashville, Tenn.

PRODUCT: 215 25-pound bags of flour at Big Stone Gap, Va., in possession of Big Stone Wholesale, Bledsoe Bros. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta were observed on them. Examination showed that the product contained rodent hairs.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 20, 1947. Bledsoe Bros., a partnership, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, for use solely as animal feed.

11715. Adulteration of bromated flour. U. S. v. 407 Bags * * *. (F. D. C. No. 21857. Sample No. 52473–H.)

LIBEL FILED: December 13, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about August 5, 1946, from Minneapolis, Minn.

PRODUCT: 407 100-pound bags of bromated flour at Portsmouth, Ohio, in possession of Warner Wall Transfer Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the product had been contaminated with urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 19, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold for use as stock feed.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

11716. Adulteration of brewers flakes. U. S. v. 19 Bags * * *. (F. D. C. No. 21358. Sample No. 52759–H.)

LIBEL FILED: October 23, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about March 6, 1946, by the Mt. Vernon Milling Co., from Mt. Vernon, Ind.

PRODUCT: 19 100-pound bags of brewers flakes at Upper Sandusky, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, and larvae fragments.

DISPOSITION: November 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11717. Adulteration of brewers grits. U. S. v. 970 Bags * * *. (F. D. C. No. 21379. Sample Nos. 53886–H, 53887–H.)

LIBEL FILED: October 24, 1946, Western District of Kentucky.

ALLEGED SHIPMENT: On or about July 10 and 15, 1946, by The Kimbell Milling Co., from Seguin and Fort Worth, Tex.

PRODUCT: 970 100-pound bags of brewers grits at Louisville, Ky.

LABEL, IN PART: "Kimco Degerminated Milo Brewers Grits."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.

DISPOSITION: November 26, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

11718. Adulteration of brewers grits. U. S. v. 103 Bags * * *. (F. D. C. No. 21223. Sample No. 53378–H.)

LIBEL FILED: October 7, 1946, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about July 16, 1946, by the Lauhoff Grain Co., from Danville, Ill.

PRODUCT: 103 100-pound bags of brewers grits at Covington, Ky.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and rodent excreta.

DISPOSITION: October 30, 1946. The Bavarian Brewing Co., Covington, Ky., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be converted into stock feed, under the supervision of the Food and Drug Administration.

11719. Adulteration of popcorn. U. S. v. 42 Bags * * * (and 3 other seizure actions). (F. D. C. Nos. 21377, 21674, 21737, 21740. Sample Nos. 48142–H, 48150–H, 54327–H, 72632–H.)

LIBELS FILED: Between the dates of October 30 and November 26, 1946, District of Utah and District of North Carolina.

ALLEGED SHIPMENT: Between the approximate dates of December 22, 1945, and July 19, 1946, by the Midwest Popcorn Co., from Valley and Waterloo, Nebr.

PRODUCT: Popcorn. 60 100-pound bags at Provo, Utah, 43 100-pound bags at Salt Lake City, Utah, and 800 100-pound bags at Charlotte, N. C.

LABEL, IN PART: (Portion) "South American Variety Popcorn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and larvae, insect parts, insect excreta, rodent excreta, rodent hairs, webbing, and rodent- or insect-damaged kernels.

DISPOSITION: Between the dates of December 5, 1946, and February 14, 1947. The Bryant Theatre Supply Co., Charlotte, N. C., and Thrifty Foods, Inc., having appeared as claimants for the Charlotte and Salt Lake City lots, respectively, and having admitted the material allegations of the libels, judgments of condemnation were entered and these lots were ordered released under bond, conditioned that the Charlotte lot be converted into stock feed and that the Salt Lake City lot be recleaned and reprocessed so that it would conform with the law, under the supervision of the Federal Security Agency.

No claimant having appeared for either of the Provo lots, judgments were entered ordering that these lots of the product be utilized for animal feed.

11720. Adulteration of popcorn. U. S. v. 37 Bags * * *. (F. D. C. No. 21373. Sample No. 72615–H.)

LIBEL FILED: November 19, 1946, District of Utah.

ALLEGED SHIPMENT: On or about November 2 and 20, 1945, from Nampa, Idaho.

PRODUCT: 37 100-pound bags of popcorn at Salt Lake City, Utah, in possession of John Scowcroft & Sons Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the product contained rodent excreta, rodent-gnawed kernels, and larvae.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 20, 1946. Default decree ordering product used for animal feed, under the supervision of the United States marshal.

11721. Adulteration of cracked wheat and misbranding of flour. U. S. v. 108 Sacks, etc. (and 1 other seizure action). (F. D. C. Nos. 21423, 22862. Sample Nos. 52683–H, 91829–H.)

LIBELS FILED: November 5, 1946, and April 21, 1947, Southern District of Indiana and District of New Mexico.

ALLEGED SHIPMENT: On or about August 30, 1946, and March 1, 1947, by General Mills, Inc., from Minneapolis, Minn., and Amarillo, Tex.

PRODUCT: 108 100-pound sacks of cracked wheat at Indianapolis, Ind., and 119 cases, each containing 10 bags, of flour at Clovis, N. Mex.

LABEL, IN PART: "Gold Medal Cracked Wheat," or "5 Lbs. Washburn Crosby Gold Medal Flour Enriched Flour."

NATURE OF CHARGE: Cracked wheat. Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae.

Flour. Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The bags contained less than the declared weight.)

DISPOSITION: February 19 and May 21, 1947. No claimant having appeared, judgments of condemnation were entered and the Indianapolis lot was ordered destroyed and the Clovis lot was ordered delivered to a charitable institution.

11722. Adulteration of crushed wheat. U. S. v. 92 Bags * * *. (F. D. C. No. 21383. Sample No. 35803–H.)

LIBEL FILED: October 28, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 14, 1946, by Pillsbury Mills, Inc., from Atchison, Kans.

PRODUCT: 92 100-pound bags of crushed wheat at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles.

DISPOSITION: November 30, 1946. Pillsbury Mills, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for conversion into stock feed, under the supervision of the Federal Security Agency.

CHOCOLATE AND RELATED PRODUCTS

CANDY

11723. Alleged misbranding of candy. U. S. v. 193 Cartons * * *. Tried to the court. Judgment dismissing libel. (F. D. C. No. 18373. Sample No. 12081–H.)

LIBEL FILED: November 14, 1945, District of Rhode Island.

ALLEGED SHIPMENT: On or about October 8, 1945, by the Liberty Chocolate Co., from Boston, Mass.

PRODUCT: 193 cartons of candy at Providence, R. I.

NATURE OF CHARGE: Misbranding, Section 403 (d), the container of the article was so filled as to be misleading, since the boxes could hold approximately 50 percent more candy.

DISPOSITION: On January 8, 1946, the case was tried to the court, and the following decision was handed down:

HARTIGAN, *District Judge:* "This libel was filed by the United States of America and prays seizure and condemnation of a certain articles of food in accordance with the Federal Food, Drug and Cosmetic Act (21 U. S. C. 301 *et seq.*)

"It charges the Liberty Chocolate Company shipped in interstate commerce from Boston, Massachusetts, to Providence, Rhode Island, through the Keogh Storage Company, Inc., on or about October 8, 1945, an article of food consisting of 193 cartons, more or less, each containing 18 boxes of a food labeled in part: 'Benevento Brand Nougat Net Weight 9 Ounces. Contains 18 Pieces Weighing ½ Ounce Each, Consisting of Sugar, Honey, Almonds, Egg Whites, Cinnamon, Wafer * * *.'

"The aforesaid article was misbranded in interstate commerce, within the meaning of said Act, 21 U. S. C. 343 (d), in that its container is so filled as to be misleading since the boxes could hold approximately 50 percent more candy.

"There is no testimony to that effect offered by the Government, that they could hold approximately 50 percent more candy.

"That the aforesaid article is in the possession of Giso Brothers Cigar Company, at 300 Broadway, Providence, Rhode Island, or elsewhere within the jurisdiction of this Court.

"That by reason of the foregoing, the aforesaid article is held illegally within the jurisdiction of this Court and is liable to seizure and condemnation pursuant to the provisions of said Act, 21 U. S. C. 334.

"Wherefore the libellant prays that process in due form of law according to the course of this Court in cases of admiralty jurisdiction issue against the aforesaid article; that all persons having any interest therein be cited to appear herein and answer the aforesaid premises; that this Court decree the condemnation of the aforesaid article and grant libellant the costs of this proceeding against the claimant of the aforesaid article; that the aforesaid article be disposed of as this Court may direct pursuant to the provisions of said Act; and that libellant have such other and further relief as the case may require.

"Arcangelo Cataldo, of Boston, has filed a claim of ownership and says he is the true and lawful owner of said 193 cartons, more or less, of the article labeled in part: 'Benevento Brand Nougat Net Weight Nine Ounces,' and that no other person is interested therein. He prays that the said cartons may be returned to him upon giving such stipulations as the Court may direct.

"Said Cataldo has filed an answer which, in effect, states that the claimant now is and at all of the times herein mentioned, was the owner of said 193 cartons, more or less, and that he duly filed customary claim of ownership and prayer for stipulation as may be directed by the Court.

"He admits he was the owner of the Liberty Chocolate Company that shipped in interstate commerce from Boston, Massachusetts, to Providence, Rhode Island, via Keogh Storage Company, Inc., on or about October 8, 1945, an article of food consisting of 193 cartons, more or less, each containing 18 boxes of a food labeled in part: 'Benevento Brand Nougat Net Weight Nine Ounces,' containing 18 pieces weighing one-half ounce each, consisting of sugar, honey, almonds, egg whites, cinnamon, wafer.

"He denies that the aforesaid articles were misbranded in interstate commerce within the meaning of the Act, 21 U. S. C. 343 (d).

"He admits the aforesaid articles were in the possession of the Giso Brothers Cigar Company of Providence, as stated in the libel.

"He denies that the aforesaid article is illegally within the jurisdiction of this Court and is liable to seizure and condemnation pursuant to the provisions of 21 U. S. C., sec. 334.

"He further answers stating for a long period of time he has been individually engaged in the business of manufacturing candy under the name of Liberty Chocolate Company, located at 114 Commercial Street, Boston, Massachusetts; that he has manufactured and packaged, under his individual name, the article complained of in the libel for several years; that the large carton measures

approximately 6 inches wide, 8 inches long, and 1⅛ inches in depth; that within this package there is contained small boxes, 18 in number, bearing the identical description and representation as appears on the outer package, which small box measures 1¼ inches wide, 2 inches in length, and approximately 1 inch in depth; that within said box there is packaged and it contains a piece of candy commonly known as 'Torrone' and each piece of candy within each small box weighs one-half ounce and is wrapped with a piece of wafer; each piece of candy within said box measures approximately 1 inch in width, and 1⅞ inches in length, and approximately ½ inch in depth; that these boxes and cartons are similar in size and description and contents commonly manufactured by other manufacturers in the trade.

"And he has introduced in evidence Exhibits A and B, to which the Government has not objected, which are somewhat similar in size and packaging and number of smaller packages in the larger packages as are in the Government's Exhibit 1.

"And that at no time did the claimant know or have any intimation from any source that these cartons and boxes were misbranded, because the container was so made, formed or filled as to be misleading.

"The claimant prays the libel be dismissed with costs.

"Title 21, sec. 343, provides as follows: 'A food shall be deemed to be misbranded, (d), if its container is so made, formed or filled as to be misleading.'

"The Government has offered in evidence the testimony of Abraham E. Ledderer of the Food and Drug Division to the effect that he turned over the samples—I believe he said six of the cartons shipped, as is admitted—to the Division in Boston.

"Meyer Matluck, the chemist for the Food and Drug Division, testified to receiving the samples from the chief chemist. And there is no dispute, I think, between the parties that the six samples received by Mr. Matluck were those sampled by Mr. Ledderer. And that he made examination and out of three packages he took five smaller packages; that he made an examination of the candy, the wrappers; and that the cubic volume of the candy averaged about 1.72 inches by 1.05 by .58. The interior of the package measured 1.95 inches by 1.25 by .95 inches. The interior volume of the smaller carton was 2.32 cubic inches. The average volume per piece of candy is 1.05 cubic inches; that the candy occupies 45.3 percent of the entire volume of the carton. There is no testimony whether that 45.3 percent refers to the larger carton or to the smaller cartons. The Government left it in that way. Therefore, the Court does not know whether it refers to the larger carton or the so-called smaller cartons.

"The Government has offered no testimony that anybody has been misled by this package. There is no testimony that anything has been palmed off on anyone. The Government apparently solely relies on the provisions of sec. 343 (d).

"Exhibit 1 contains markings in English and, I presume, in Italian although there is nothing in the record to help the Court on it, whether it is Italian or anything else. But the Court will assume it is Italian. The English part on Exhibit 1 reads: 'BENEVENTO Brand.' Below that is the picture of an arch. Then lower down it reads: 'NOUGAT,' in large size lettering; and just below that, 'Net Weight 9 Ounces'; the size of the lettering of the weight, the Court would estimate, although there is no testimony in regard to it, being approximately—a little more, I would say, than one-eighth of an inch. Below that in little smaller lettering: 'Contains 18 Pieces Weighing ½ Ounce Each, Consisting of Sugar, Honey, Almonds, Egg Whites, Cinnamon, Wafer.' And below that: 'Manufactured in U. S. A. by Arcangelo Cataldo, 114 Commercial St., Boston, Mass.'

"I shall not assume to read the reverse side which, apparently, is in Italian, but having read the English side and from my limited knowledge of Italian, would take it to be the same as the English. The heading says, 'BENEVENTO,' for example, and 'TORRONE,' which, I understand from the parties, is the Italian of 'Nougat.'

"There is no testimony presented to the Court that this type of package, Exhibit 1, has been palmed off on anybody, nor is there any evidence to assist the Court that it is misleading. The testimony introduced by Mr. Matluck, when he took out the candy from the smaller packages showing the way they were wrapped and so on, did not impress the Court that such wrapping and

size was misleading. The Court would feel it to be stretching that statute all out of proportion to its purpose if it were to find on the evidence in this case, dealing with this particular nougat, the way it is shaped and wrapped, that that container was 'so made, formed or filled as to be misleading.'

"The physical appearance of that does not convince the Court that the Government has established its contention. I made this ruling without taking into consideration the defendant's Exhibits A and B which have been offered in evidence for the purpose of showing substantially that other manufacturers of a like article so package their product. That was the sole purpose, I take it, of those exhibits. The Government has not objected to those Exhibits A and B, but the Court makes its findings without taking those two exhibits into consideration because, in the Court's opinion, they are immaterial for the purpose of this case. The only question before this Court relates to the product that was seized, not some other product.

"The smaller packages contained in the larger package of Government's Exhibit 1, except for the size, bear substantially the same markings as the larger package with the exception that in the upper left-hand corner in the English description on the smaller packages there appears in plain English the following words: 'Net Weight ½ Ounce'; the said marking of 'Net Weight ½ Ounce' being, in the opinion of the Court, a more Conspicuous marking of the weight than even the net weight marking on the outer side of Exhibit 1.

"There is nothing, in the opinion of the Court, in the shape and size of the larger package or the smaller packages that would be misleading to a person, and there has been no testimony on behalf of the Government that such markings would be misleading or would likely be misleading to an average purchaser. Under all of the facts in this case, as I have indicated, and in the absence of the Government in showing the Court any authority other than its plain statement that in its opinion such marking is misleading, the Court cannot, as a matter of law, say that the defendant has misbranded the product, nor can it say, as a matter of law, that the containers are so made, formed or filled as to be misleading.

"The Court, therefore, dismisses the libel and orders the return of the seized property to the claimant."

On January 30, 1946, a decree was entered ordering the libel dismissed and the product returned to the claimant. On appeal to the Circuit Court of Appeals for the First Circuit, the decision of the District Court was affirmed, the court handing down the following opinion:

MAHONEY, *Circuit Judge:* "This is an appeal from the dismissal of a libel brought under the Federal Food, Drug and Cosmetic Act of 1938 (52 Stat. 1040 (1938), 21 U. S. C. 301 et seq. (1940)), for the condemnation of certain articles of food consisting of 193 cartons, more or less, each containing eighteen boxes of a food labeled in part: 'Benevento Brand Nougat Net Weight 9 Ounces Contains 18 Pieces Weighing ½ Ounce Each, Consisting of Sugar, Honey, Almonds, Egg Whites, Cinnamon, Wafer * * *', which were shipped in interstate commerce from Boston to Providence. The libel charged misbranding within the meaning of § 403 (d)[1] of the Act in that its container is so filled as to be misleading since the boxes could hold approximately 50 per cent more candy.

"In his answer the claimant sought the return of the articles alleging that he was the owner of the Liberty Chocolate Company which shipped the articles from Boston to Providence in interstate commerce and denied that they were misbranded and liable to seizure and condemnation. He averred that he had manufactured and packaged the articles under his individual name for a long time and that the large carton measures approximately 6″ x 8″ and is 1⅛″ deep and each carton contains eighteen small boxes; each small box measures 1¼″ in width, 2″ in length and about 1″ in depth, and bears the same description and representation as the outer package; that each of these small boxes contains one piece of candy, one-half ounce in weight, known as 'Torrone.' Each piece is wrapped with a piece of wafer and measures approximately 1″ in width, 1⅞″ in length and ½″ in depth. These boxes and cartons are similar in size, description and contents to those of other manufacturers in

[1] Sec. 403 (d) A Food shall be deemed to be misbranded—if its container is so made, formed, or filled as to be misleading. 21 U. S. C. § 343 (d) (1940).

the trade. He denied that they were misbranded and prayed for a dismissal of the libel.

"The question is whether the containers of the article were so made, formed or filled as to be misleading thereby constituting misbranding within the meaning of § 403 (d) of the Act.

"The libelant contends that the libelee has violated the provisions of § 403 (d) of the Act by shipping in interstate commerce packages of food, in this instance candy, which are slack-filled, that is, in containers only partly filled with candy and partly filled with wrapping and is so prepared that it would be a source of deception to the public. It contends that the containers are less than 50 per cent filled with candy and refers to the Congressional history of the Act to demonstrate that slack-filling was one of the things that Congress meant to prohibit for the protection of the public.

"There was produced in evidence for the libellant one of six large containers which had been taken from the 193 cartons originally shipped in interstate commerce and marked 'Exhibit 1.' A witness for the libellant testified that the large cartons were flat and rectangular in shape, with flaps at both ends, and that they contained eighteen small cartons which completely filled the larger one. From each of three large cartons there were taken five small units containing candy. The candy was unwrapped and it was determined that the average dimensions per piece of candy was 1.05 cubic inches. The internal volume of the small cartons was determined to be 2.32 cubic inches. The candy occupied 45.3 per cent of the entire volume of the carton. He also testified that it was due to bulky wrapping that the candy appeared to fill the package adequately but he said that if the wrapped candy were pressed tightly against the side of the carton a considerable amount of space became apparent and if the wrapped candy were pressed toward the end of the box a considerable end space also became evident. He also said that when the paper was removed and the candy placed back in the box it was pretty loose. Certain small containers were handed to the judge and the witness demonstrated what his report meant.

"There is no hard and fast rule as to what would constitute slack-filling. Whether or not over 50 per cent space in a particular package of candy was slack-filling is a question of fact for the district court to decide. It had before it samples of the containers, both large and small; it examined them and commented on the fact that apparently there was a very slight space in the package.

"In making its decision the court referred to the fact that there was no evidence before it that containers of the type of Exhibit 1 had been 'palmed off' on the public, and also that there was no testimony on behalf of the libellant that the markings would be misleading or would likely be misleading to an average purchaser, and seemed to rely upon the fact that proof of actual deception in the sale of the candy was necessary, citing *United States* v. *2 Bags, etc., of Poppy Seeds*, 54 F. Supp. 706 (N. D. E. D. Ohio, 1944). However this case had been overruled by the Circuit Court of Appeals, *United States* v. *2 Bags, etc., of Poppy Seeds*, 147 F. (2d) 123 (C. C. A. 6th, 1945). Whether or not the articles in question had been 'palmed off' on the public or whether or not the markings on the package were proper markings were questions not relevant to the issue in this case which the district court was called upon to consider.

"Although the trial court did refer to these conditions which are covered by other sections of the Act, it nevertheless held that there was no testimony to the effect that the boxes could hold approximately 50 per cent more candy, and was not convinced by the testimony that the wrapping and size were misleading. It stated that it would be 'stretching the statute all out of proportion to its purpose if it were to find on the evidence in this case, dealing with this particular nougat, the way it is shaped and wrapped, that that container was so made, formed or filled as to be misleading,' and that there was nothing 'in the shape and size of the larger package or the smaller packages that would be misleading to a person.' Moreover, the court held that it could not as a matter of law say either that the product has been misbranded or that its 'containers are so made, formed or filled as to be misleading.'

"The Federal Rules of Civil Procedure govern proceedings on appeals in actions for the forfeiture of property for violation of a statute of the United States. Rule 81 (a) (2). This case is an action under the Federal Food, Drug and Cosmetic Act of 1938, which is a statute of the United States and is on appeal before us. Under Rule 52 (a) of said Rules, findings of fact shall

not be set aside unless clearly erroneous. We cannot say the finding that the container was not so made, formed or filled as to be misleading is clearly erroneous.

"The decree of the District Court is affirmed."

11724. Adulteration of stick candy. U. S. v. Carmelita Candy Co., a partnership, and Robert T. Woolery. Pleas of guilty. Partnership fined $250; individual fined $5.00. (F. D. C. No. 21574. Sample Nos. 56271–H, 56272–H.)

INFORMATION FILED: April 10, 1947, Western District of Oklahoma, against the Carmelita Candy Co., Oklahoma City, Okla., and Robert T. Woolery, plant manager.

ALLEGED SHIPMENT: On or about August 16, 1946, from the State of Oklahoma into the State of Missouri.

LABEL, IN PART: (Box) "Carmelita Candy Co. 36/5 Mint Tulsa-Oklahoma City, Okla."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 8, 1947. Pleas of guilty having been entered, the court imposed fines of $250 against the partnership and $5 against the individual.

11725. Adulteration of candy. U. S. v. 32 Cartons * * *. (F. D. C. No. 21786. Sample No. 72633–H.)

LIBEL FILED: November 27, 1946, District of Utah.

ALLEGED SHIPMENT: On or about March 30 and April 6, 1946, by the Bennett & Crews Co., from Waco, Tex.

PRODUCT: 32 30-pound cartons of candy at Provo, Utah.

LABEL, IN PART: "Peanut Crunch."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect excreta, and webbing.

DISPOSITION: February 14, 1946. No claimant having appeared, judgment was entered ordering that the product be destroyed by being utilized for animal feed.

CHOCOLATE AND CHOCOLATE PRODUCTS

11726. Adulteration of chocolate coating. U. S. v. 10 Cartons * * * (and 1 other seizure action). (F. D. C. Nos. 22363, 22467. Sample Nos. 53199–H, 53200–H, 53839–H, 53840–H.)

LIBELS FILED: January 7 and 31, 1947, Southern District of Ohio.

ALLEGED SHIPMENT: Between the approximate dates of March 1 and November 7, 1946, by the Hershey Chocolate Corp., from Hershey, Pa.

PRODUCT: Chocolate coating. 10 cartons, each containing 5 10-pound cakes, at Columbus, Ohio, and 351 bales, each containing 20 10-pound blocks, at Middletown, Ohio.

LABEL, IN PART: "Hershey's * * * Chocolate Coating."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, insects, and insect parts.

DISPOSITION: January 24 and February 6, 1947. The Maple Dell Candy Co., Columbus, Ohio, claimant for the Columbus lot, and Sunshine Biscuits, Inc., Dayton, Ohio, claimant for the Middletown lot, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency.

11727. Adulteration of chocolate malt flavored sirup. U. S. v. 24 Cases * * *. (F. D. C. No. 21338. Sample No. 50050–H.)

LIBEL FILED: October 24, 1946, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about January 22, 1946, by Plaza Products, from Brooklyn, N. Y.

PRODUCT: 24 cases, each containing 6 96-fluid-ounce cans, of chocolate malt flavored sirup at Jackson, Miss. The product was undergoing decomposition.

LABEL, IN PART: "Plaza Chocolate Malt Flavored Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: March 11, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11728. Adulteration of chocolate-flavored sirup. U. S. v. 19 Cases * * *. (F. D. C. No. 21337. Sample No. 50049–H.)

LIBEL FILED: October 24, 1946, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about January 29, 1946, by the Silver Hill Products Co., Inc., from Brooklyn, N. Y.

PRODUCT: 19 cases, each containing 6 96-fluid-ounce cans, of chocolate-flavored sirup at Jackson, Miss. The product was undergoing decomposition.

LABEL, IN PART: "Van Delft's Chocolate Flavored Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: March 11, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11729. Misbranding of hot chocolate mixture. U. S. v. 56 Boxes * * *. (F. D. C. No. 20851. Sample No. 65038–H.)

LIBEL FILED: September 6, 1946, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 10, 1946, by the Harkins Chocolate Co., from Baltimore, Md.

PRODUCT: 56 boxes, each containing 100 envelopes, of hot chocolate mixture at Carlisle, Pa. Examination showed that the article contained no chocolate and that it was short-weight. Vanillin was not declared as artificial flavoring.

LABEL, IN PART: (Envelope) "Wt. 1⅛ oz. Bettar The Luxury Hot Chocolate * * * Mfg. by The Bettar Ice Cream Co., Inc. Baltimore Maryland."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements, (envelopes) "The Luxury Hot Chocolate," (boxes) "The Luxury Hot Chocolate For Making Hot or Iced Chocolate," and (circular) "Instant Hot Chocolate," were false and misleading as applied to an article containing no chocolate; Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents; and, Section 403 (k), the article contained artificial flavoring and failed to bear labeling stating that fact.

DISPOSITION: November 27, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, **Nos. 11730 to 11733**; that was below the standard for milk fat content, **Nos. 11734 to 11743**; and that was short of the declared weight, **No. 11743**.

11730. Adulteration of butter. U. S. v. Redwood Creamery, Inc. Plea of guilty. Fine, $750. (F. D. C. No. 21525. Sample No. 63789–H.)

INFORMATION FILED: January 21, 1947, District of Minnesota, against the Redwood Creamery, Inc., Redwood Falls, Minn.

ALLEGED SHIPMENT: On or about August 22, 1946, from the State of Minnesota into the State of New York.

LABEL, IN PART: "Redwood Creamery Redwood Falls, Minn. Weinman & Winn * * * N. Y. C."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of manure fragments, rodent hair fragments, insects, insect heads, insect fragments, cotton fibers, vegetable fragments, metal and rust fragments, soot, and nondescript dirt;

and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 5, 1947. A plea of guilty having been entered, the court imposed a fine of $750.

11731. Adulteration of butter. U. S. v. 5 Cartons (300 pounds) * * *. (F. D. C. No. 21275. Sample No. 63792–H.)

LIBEL FILED: On or about September 25, 1946, Eastern District of New York.

ALLEGED SHIPMENT: On or about September 8, 1946, by the South Mountain Dairies, Inc., from Middletown, Md.

PRODUCT: 5 60-pound cartons of butter at Brooklyn, N. Y. The product had been made from moldy cream.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance.

DISPOSITION: December 11, 1946. The Sunnydale Ice Cream Co., Inc., Brooklyn, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered blended and mixed with other fats intended for industrial purposes, under the supervision of the United States marshal.

11732. Adulteration of butter. U. S. v. 57 Cases * * *. (F. D. C. No. 21272. Sample Nos. 1798–H, 1964–H.)

LIBEL FILED: November 7, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about October 17, 1946, by Armour Creameries, from Enid, Okla.

PRODUCT: 57 cases, each containing 32 pounds, of butter at Atlanta, Ga. Examination showed that the product contained mold.

LABEL, IN PART: "Armour Cloverbloom Butter * * * Armour Creameries Distributors General Office, Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy or decomposed substance.

DISPOSITION: December 9, 1946. Armour & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be converted into butter oil, under the supervision of the Food and Drug Administration.

11733. Adulteration of process butter. U. S. v. 10 Cases * * * . (F. D. C. No. 21298. Sample No. 49885–H.)

LIBEL FILED: September 12, 1946, Middle District of Alabama.

ALLEGED SHIPMENT: On or about August 3, 1946, by the Big Apple Super Market, from Atlanta, Georgia.

PRODUCT: 10 cases, each containing 30 1-pound cartons, of process butter at Opelika, Alabama. Examination showed that the product contained fly and other insect fragments, rodent hairs, and feather fragments.

LABEL, IN PART: "Cherokee Rose Process Butter Mfg. by Cherokee Creamery, Inc., Cedartown, Ga."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance.

DISPOSITION: October 21, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, conditioned that it be denatured so that it could not be disposed of for use as food.

11734. Adulteration of butter. U. S. v. 82 Boxes (4,428 pounds) * * *. (F. D. C. No. 21300. Sample No. 51762–H.)

LIBEL FILED: October 10, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about September 26, 1946, by Padua Cooperative Creamery, from Sauk Centre, Minn.

PRODUCT: 82 54-pound boxes of butter at Jersey City, N. J.

LABEL, IN PART: "June Dairy Products Co Inc Distributors Jersey City, N. J. Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 18, 1946. June Dairy Products, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Federal Security Agency.

11735. Adulteration of butter. U. S. v. 51 Boxes * * * (and 1 other seizure action; 5,325 pounds, total). (F. D. C. Nos. 21274, 21277. Sample Nos. 57474–H, 57475–H.)

LIBELS FILED: September 20, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about September 5 and 9, 1946, by Green Mountain Dairy Products, Inc., from Burlington, Vt.

PRODUCT: 51 boxes and 20 boxes, each containing 75 pounds, of butter at Somerville, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 29, 1946. The National Creamery Co., Inc., Somerville, Mass., having appeared as claimant, and having consented to the entry of a decree, and the cases having been consolidated, judgment of condemnation was entered. The product was ordered released under bond for conversion into butter fat for use in the manufacture of ice cream, under the supervision of the Federal Security Agency.

11736. Adulteration of butter. U. S. v. 11 Boxes (704 pounds) * * *. (F. D. C. No. 21299. Sample No. 52213–H.)

LIBEL FILED: October 11, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about October 1, 1946, by the Murdock Farmers Cooperative Creamery, from Murdock, Minn.

PRODUCT: 11 64-pound boxes of butter at New York, N. Y.

LABEL, IN PART: "Butter Distributed by Hunter Walton & Co. New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 28, 1946. The Murdock Farmers Cooperative Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked in order to comply with the law, under the supervision of the Food and Drug Administration.

11737. Adulteration of butter. U. S. v. 160 Cartons (10,240 pounds) * * *. (F. D. C. No. 21282. Sample Nos. 56759–H, 57574–H.)

LIBEL FILED: September 19, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about June 11, 1946, by the Vermont Cooperative Creamery, Inc., from Bradford, Vt.

PRODUCT: 160 64-pound cartons of butter at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 16, 1946. The Vermont Cooperative Creamery, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked so that it would comply with the law, under the supervision of the Federal Security Agency.

11738. Adulteration of butter. U. S. v. 17 Cartons (1,088 pounds) * * *. (F. D. C. No. 21271. Sample Nos. 63774–H, 63776–H.)

LIBEL FILED: August 26, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about August 1, 1946, by the Farmers Mutual Cooperative Creamery, from Sioux Center, Iowa.

PRODUCT: 17 64-pound cartons of butter at New York, N. Y.

LABEL, IN PART: "Carl Ahlers Inc. Distributors New York Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: September 20, 1946. Carl Ahlers, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked and brought into compliance with the law, under the supervision of the Federal Security Agency.

11739. Adulteration of butter. U. S. v. 15 Cartons (975 pounds) * * *. (F. D. C. No. 21278. Sample No. 38022–H.)

LIBEL FILED: September 25, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 9, 1946, by the Omaha Cold Storage Co., from Omaha, Nebr.

PRODUCT: 15 65-pound cartons of butter at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 27, 1946. The Omaha Cold Storage Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked and brought into compliance with the law, under the supervision of the Federal Security Agency.

11740. Adulteration of butter. U. S. v. 14 Cartons (896 pounds) * * *. (F. D. C. No. 21279. Sample No. 51853–H.)

LIBEL FILED: August 23, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about August 15, 1946, by the Brandt Creamery, from Brandt, S. Dak.

PRODUCT: 14 64-pound cartons of butter at Marshall, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 5, 1946. The Farmers Co-Operative Creamery & Produce Assoc., Brandt, S. Dak., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked under the supervision of the Federal Security Agency.

11741. Adulteration of butter. U. S. v. 513 Cubes (32,319 pounds) * * *. (F. D. C. No. 21281. Sample Nos. 71003–H, 71004–H.)

LIBEL FILED: September 16, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about June 11, 1946, by Nebraska Cooperative Creameries, Inc., from Omaha, Nebr.

PRODUCT: 513 63-pound cubes of butter at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 4, 1946. Nebraska Cooperative Creameries, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Federal Security Agency.

11742. Adulteration of butter. U. S. v. 112 Cubes (7,056 pounds) * * *. (F. D. C. No. 21280. Sample Nos. 56479–H, 67110–H.)

LIBEL FILED: On or about October 3, 1946, Western District of Missouri.

ALLEGED SHIPMENT: On or about July 19, 1946, by the Randolph Creamery Co., from Randolph, Nebr.

PRODUCT: 112 63-pound cubes of butter at Kansas City, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 4, 1946. The Bloomfield Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration.

11743. Adulteration and misbranding of butter. U. S. v. 994 Tins * * *. (F. D. C. No. 21273. Sample No. 63900–H.)

LIBEL FILED: August 20, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about August 9, 1946, by the Coburn Farm Products Corp., from New York, N. Y.

PRODUCT: 994 tins of butter at Hoboken, N. J.

LABEL, IN PART: "1 Pound Net Wt. Sondra Creamery Butter Packed by Samuel Dunkel & Co., Inc. New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The tins contained less than the declared weight of one pound.)

DISPOSITION: October 21, 1946. The Coburn Farm Products Corp., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked and brought into compliance with all requirements of the law, under the supervision of the Food and Drug Administration.

CHEESE

11744. Adulteration and misbranding of creamed cottage cheese. U. S. v. National Cheese Co., and Louis Sokolsky. Pleas of nolo contendere. Total fines, $1,500 and costs. (F. D. C. No. 21452. Sample Nos. 23671–H, 25167–H, 48931–H.)

INFORMATION FILED: February 4, 1947, Northern District of Illinois, against the National Cheese Co., a corporation, Chicago, Ill., and Louis Sokolsky, president of the corporation.

ALLEGED SHIPMENT: On or about October 15, 1945, to April 8, 1946, from the State of Illinois into the States of Louisiana and Alabama.

LABEL, IN PART: (Portions) "Daisy Brand Cottage Cheese Creamed." The remainder was invoiced as "cr. cott."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing an unpasteurized dairy ingredient had been substituted for creamed cottage cheese, a food which is made from pasteurized dairy ingredients.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for cottage cheese, since the dairy ingredient of the food had not been pasteurized; and, Section 403 (g) (2), the label of one lot failed to bear the name of the food specified in the definition and standard of identity.

DISPOSITION: May 13, 1947. Pleas of nolo contendere having been entered, the corporation was fined $1,000 and Louis Sokolsky was fined $500, plus assessed costs.

11745. Adulteration of process cheese. U. S. v. Blue Moon Foods, Inc., of Illinois, and Herman F. Laabs. Pleas of guilty. Individual defendant fined $250; corporation fined $750 and costs. (F. D. C. No. 21523. Sample No. 40369–H.)

INFORMATION FILED: January 17, 1947, Eastern District of Illinois, against the Blue Moon Foods, Inc., of Illinois, National Stock Yards, Ill., and Herman F. Laabs, vice president and general manager.

ALLEGED SHIPMENT: On or about July 20, 1946, from the State of Illinois into the State of Missouri.

LABEL, IN PART: "Blue Moon Pasteurized Process Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed and moldy cheese, and of a filthy substance by reason of the presence of insect fragments.

DISPOSITION: On or about August 8, 1947, pleas of guilty having been entered, the court imposed fines of $250 against the individual defendant and $750 and costs against the corporation.

11746. Adulteration of skim milk cheeses. U. S. v. 520 * * *. (F. D. C. No. 19815. Sample No. 35972–H.)

LIBEL FILED: May 2, 1946, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about April 4, 1946, by the West Concord Butter & Cheese Assoc., from West Concord, Minn.

PRODUCT: 520 75-pound skim milk cheeses at Oklahoma City, Okla.

LABEL, IN PART: "Skim Milk Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts, rodent hairs, and manure; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 23, 1946. The West Concord Butter & Cheese Assoc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered sold as unfit for human consumption. It was disposed of as stock feed.

11747. Adulteration of Romano cheese. U. S. v. 68 Cases, etc. (and 4 other seizure actions). (F. D. C. Nos. 21363, 21364, 21591, 21637, 21751. Sample Nos. 59910–H to 59912–H, incl., 59914–H, 64460–H, 64562–H, 81505–H.)

LIBELS FILED: Between October 23 and November 22, 1946, Western District of Pennsylvania, Southern and Eastern Districts of New York, and District of Oregon.

ALLEGED SHIPMENT: Between the approximate dates of August 13 and September 18, 1946, by the Colorado Cheese Co., Inc., from Trinidad, Colo.

PRODUCT: 17,524 pounds of Romano cheese, in various lots, at Pittsburgh, Pa., New York, N. Y., Brooklyn, N. Y., and Portland, Oreg.

LABEL, IN PART: "Colorado Romano Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots, insect fragments, and mites; and, Section 402 (a) (4), (Portland lot) it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: Between December 18, 1946, and August 19, 1947. The Sausage Manufacturing Co., claimant for one of the Pittsburgh lots, and the Colorado Cheese Co., Inc., claimant for the New York City and Brooklyn lots, having admitted the facts of the respective libels, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. No claimant having appeared for the other Pittsburgh lot and the Portland lot, decrees of condemnation were entered and the product was ordered destroyed.

EGGS

11748. Adulteration and misbranding of frozen eggs. U. S. v. L. Meyer and Co. Plea of nolo contendere. Fine, $400. (F. D. C. No. 21438. Sample No. 8096–H.)

INFORMATION FILED: February 11, 1947, District of New Jersey, against L. Meyer & Co., a corporation, Jersey City, N. J.

ALLEGED SHIPMENT: On or about February 4, 1946, from the State of New Jersey into the State of New York.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of frozen eggs, water, and yellow coal-tar color had been substituted for frozen eggs; Section 402 (b) (3), the article was inferior to frozen eggs, and its inferiority had been concealed by the addition of yellow coal-tar color; and, Section 402 (b) (4), water had been added to the article so as to increase its bulk and weight and reduce its quality, and yellow coal-tar color had been added to the article so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for frozen eggs since it was not prepared by freezing liquid eggs as defined in the regulations, in that the article also contained added water and yellow coal-tar color.

DISPOSITION: June 11, 1947. A plea of nolo contendere having been entered on behalf of the defendant, a fine of $400 was imposed.

11749. Adulteration of frozen whole eggs. U. S. v. The Cudahy Packing Co. Plea of guilty. Fine, $400 and costs. (F. D. C. No. 21516. Sample No. 63554–H.)

INFORMATION FILED: December 23, 1946, District of North Dakota, against the Cudahy Packing Co., a corporation, Fairmount, N. Dak.

ALLEGED SHIPMENT: On or about May 27, 1946, from the State of North Dakota into the State of New Jersey.

LABEL, IN PART: "Cudahy's Whole Eggs Sunlight * * * Frozen."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: April 4, 1947. A plea of guilty having been entered, the court imposed a fine of $400, plus costs, against the defendant.

11750. Adulteration of frozen whole eggs. U. S. v. 50 Cans * * *. (F. D. C. No. 21624. Sample No. 57549–H.)

LIBEL FILED: November 5, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about June 21, 1946, by Frank Pilley & Sons, Inc., from Sioux City, Iowa.

PRODUCT: 50 30-pound cans of frozen whole eggs at Boston, Mass.

LABEL, IN PART: "Pilley's Poultryland Frozen—Fresh Whole Eggs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a putrid substance.

DISPOSITION: January 7, 1947. Frank Pilley & Sons, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and denatured, under the supervision of the Federal Security Agency, and that it be disposed of for use in tanning leather.

11751. Adulteration of frozen egg product "Dublegg". U. S. v. 100 Cans * * *. (F. D. C. No. 21625. Sample No. 57548–H.)

LIBEL FILED: November 7, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about May 29, 1946, by the Arthur Redmond Co., Inc., from Terre Haute, Ind.

PRODUCT: 100 30-pound cans of frozen egg product, Dublegg, at Boston, Mass.

LABEL, IN PART: "Dublegg."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a putrid substance.

DISPOSITION: December 13, 1946. The Arthur Redmond Co., Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Federal Security Agency.

FEEDS AND GRAINS

11752. Misbranding of stone rice bran. U. S. v. Liberty Rice Mill, Inc., and A. Tartak, Jack M. Kaplan, and Louis M. Simon. Pleas of nolo contendere. Total fines, $4,000. (F. D. C. No. 21492. Sample Nos. 1361–H, 1373–H.)

INFORMATION FILED: January 6, 1947, Western District of Louisiana, against the Liberty Rice Mill, Inc., Kaplan, La., and A. Tartak, president, Jack M. Kaplan, secretary and treasurer, and Louis M. Simon, general manager.

ALLEGED SHIPMENT: On or about December 8, 1945, and January 15, 1946, from the State of Louisiana into the States of Georgia and Florida.

LABEL, IN PART: "Stone Rice Bran."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements, "Minimum percent Crude Protein 7.00% * * * Maximum percent Crude Fibre 27.00%," were false and misleading since the article contained less than 7 percent of crude protein and more than 27 percent of crude fiber. Further misbranding, Section 403 (a), the label statement "Stone Rice Bran" was false and

misleading since it represented and suggested that the article consisted of rice bran, whereas it consisted of a mixture of rice hulls and rice bran.

DISPOSITION: May 7, 1947. Pleas of nolo contendere having been entered, the court imposed fines of $1,000 against the corporate defendant and against each of the three individual defendants.

11753. Misbranding of Range feed pellets. U. S. v. Miller C. Roberts (Roberts Feed Co.). Plea of nolo contendere. Fine, $100. (F. D. C. No. 21501. Sample No. 33281–H.)

INFORMATION FILED: December 10, 1946, against Miller C. Roberts, trading as the Roberts Feed Co., Texico, N. Mex.

ALLEGED SHIPMENT: May 3, 1946, from the State of New Mexico into the State of Texas.

LABEL, IN PART: "Roberts Texico 16% Range Pellets."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements, "16% Range Pellets" and "Crude Protein, not less than 16.00%," were false and misleading since the article contained less than 16 percent of crude protein.

DISPOSITION: May 6, 1947. The defendant having entered a plea of nolo contendere, the court imposed a fine of $100.

11754. Misbranding of Singer's Earth Crust Minerals. U. S. v. E. Albert Singer (Chain of Lakes Duck Farm). Plea of nolo contendere. Fine, $60. (F. D. C. No. 17773. Sample Nos. 8446–F, 59901–F, 23601–H.)

INFORMATION FILED: March 27, 1946, Northern District of Illinois, against E. Albert Singer, trading as Chain of Lakes Duck Farm, Barrington, Ill.

ALLEGED SHIPMENT: From the State of Illinois into the States of Wisconsin, Indiana, and Texas. The product was shipped on or about November 12, 1943, and February 18 and October 17, 1944, and was accompanied by a number of display placards which were shipped with the product and by a number of circulars which were shipped on or about December 28, 1943, and during the early part of March, 1944. The placards were entitled "Livestock and Poultry Raisers," and the circulars were entitled "Singer's Earth Crust Minerals" and "All Livestock Fowl and Plant Life Must Have Minerals." The product was a mixture of dirt dug from the defendant's farm, which was mixed with calcium carbonate, salt, and rock phosphate.

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements, "Phosphorus (P), not less than 10 Per Cent * * * Calcium (Ca), not less than 20 Per Cent," were false and misleading, since 2 shipments of the article contained materially less than 10 percent of phosphorus and materially less than 20 percent of calcium. Further misbranding, Section 403 (a), the label statement "Keep Live Stock and Poultry Healthy" and certain statements appearing in the circulars and placards accompanying the article were false and misleading. The statements represented and created the impression that the article would be effective in keeping livestock and poultry healthy; that it would prevent poor digestion, loss of appetite, a run-down condition, and diseases in general; that it would be effective in removing any species of worms from the intestines of livestock and poultry; that it would lower mortality and would prevent the disease condition of poultry known as range paralysis; and that the use of the article would save feeding costs. The article would not be effective for the purposes stated.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2142.

DISPOSITION: June 11, 1946. The defendant having entered a plea of nolo contendere, the court imposed a fine of $10 on each of the 6 counts.

11755. Misbranding of linseed meal and Flaxseed Screenings Oil Feed. U. S. v. Bisbee Linseed Co. Plea of nolo contendere. Fine, $60. (F. D. C. No. 21470. Sample Nos. 34168–H, 34170–H.)

INFORMATION FILED: April 29, 1947, Eastern District of Pennsylvania, against the Bisbee Linseed Co., a corporation, Philadelphia, Pa.

ALLEGED SHIPMENT: On or about March 29 and April 29, 1946, from the State of Pennsylvania into the State of Maryland.

LABEL, IN PART: "Bisbee Brand 34% Protein Old Process Linseed Meal Guaranteed Analysis Protein Minimum 34%," or "Bisbee Brand 25% Pro-

tein Flaxseed Screenings Oil Feed Guaranteed Analysis Protein Minimum 25%."

NATURE OF CHARGE: Misbranding, Section 403 (a), the quoted statements on the labels were false and misleading. These statements represented and suggested that the linseed meal contained not less than 34 percent of protein and that the Flaxseed Screenings Oil Feed contained not less than 25 percent of protein, whereas the amount of protein in the articles was less than the amount they were represented to contain.

DISPOSITION: August 11, 1947. A plea of nolo contendere having been entered, the court imposed a fine of $60.

11756. Adulteration and misbranding of dog food. U. S. v. 64 Cases * * *. (F. D. C. No. 21301. Sample No. 64041–H.)

LIBEL FILED: On or about October 24, 1946, District of Connecticut.

ALLEGED SHIPMENT: On or about June 27, 1946, by the Packer Products Co., from Philadelphia, Pa.

PRODUCT: 64 cases, each containing 48 12-ounce cans, of dog food at Bridgeport, Conn.

LABEL, IN PART: (Sticker label) "Beefy Brand Dog Food"; (lithographed on ends of some cans) "Ham and Eggs," or "Meat and Noodles."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, protein, had been in part omitted from the product.

Misbranding, Section 403 (a), the name "Beefy" and the designations "Min. Protein 8.09%," "Meat and Noodles," and "Ham & Eggs" were false and misleading as applied to the article, which contained less than the declared amount of protein and little or no beef, noodles, ham, or eggs.

DISPOSITION: June 25, 1947. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as hog feed; otherwise, it was to be destroyed if found to have no value for such purpose.

FISH AND SHELLFISH

11757. Adulteration of frozen eels. U. S. v. 1,623 Pounds * * *. (F. D. C. No. 21263. Sample No. 63518–H.)

LIBEL FILED: October 25, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about September 23, 1946, by Endau Leclerc, from St. Michaels Bell Chasse, Quebec, Canada.

PRODUCT: 1,623 pounds of frozen eels at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 22, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11758. Adulteration of herring. U. S. v. 79 Pails, etc. (F. D. C. No. 21375. Sample Nos. 49893–H, 49894–H.)

LIBEL FILED: October 28, 1946, Middle District of Alabama.

ALLEGED SHIPMENT: On or about July 16, 1946, by Fortman Doscher & Co., Inc., from New York, N. Y.

PRODUCT: 79 pails, each containing 8 pounds, and 42 pails, each containing 20 pounds, of herring at Montgomery, Ala.

LABEL, IN PART: "Nova Scotia Headless Split Herring."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 29, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11759. Adulteration of frozen swordfish. U. S. v. 13 Barrels * * *. (F. D. C. No. 21243. Sample No. 63515–H.)

LIBEL FILED: October 15, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about September 11, 1946, by Gorton-Pew Fisheries, Inc., from Gloucester, Mass.

PRODUCT: 13 barrels, containing about 2,600 pounds, of frozen swordfish at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: January 15, 1947. James McBarron, Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the portion found to be unfit for human consumption be segregated and destroyed under the supervision of the Food and Drug Administration.

11760. Adulteration of frozen whitefish. U. S. v. 7 Boxes * * *. (F. D. C. No. 21268. Sample No. 63517–H.)

LIBEL FILED: October 22, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about July 14, 1946, by the Waldman Fish Co., from Montreal, Canada.

PRODUCT: 7 boxes, containing a total of 992 pounds, of frozen whitefish at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 22, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11761. Adulteration of frozen whitefish. U. S. v. 7 Boxes * * *. (F. D. C. No. 21245. Sample No. 63516–H.)

LIBEL FILED: October 15, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about July 14, 1946, by Straker & Gross, from Montreal, Canada.

PRODUCT: 7 boxes, containing a total of approximately 880 pounds, of frozen whitefish at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 22, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11762. Adulteration of crab meat. U. S. v. William M. Barbee (A. M. Barbee's Son). Plea of nolo contendere. Fine, $50. (F. D. C. No. 21517. Sample Nos. 54534–H, 54540–H.)

INFORMATION FILED: January 22, 1947, Southern District of Georgia, against William M. Barbee, trading as A. M. Barbee's Son, Savannah, Ga.

ALLEGED SHIPMENT: On or about June 12 and 16, 1946, from the State of Georgia into the District of Columbia.

NATURE OF CHARGE: Adulteration, Section 403 (a) (3), the article consisted in part of a filthy substance by reason of the presence of fecal *E. coli;* and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 17, 1947. The defendant having entered a plea of nolo contendere, the court imposed a fine of $50.

11763. Adulteration of crab meat. U. S. v. Thompson-Griffin, Seafoods. Plea of nolo contendere. Fine, $100. (F. D. C. No. 21505. Sample Nos. 54551–H, 54553–H.)

INFORMATION FILED: February 27, 1946, Northern District of Florida, against Thompson-Griffin, Seafoods, a partnership, Apalachicola, Fla.

ALLEGED SHIPMENT: On or about June 18 and 19, 1946, from the State of Florida into the State of Maryland.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of fecal *E. coli;* and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 7, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $100.

11764. Adulteration of crab meat. U. S. v. 1 Barrel * * *. (F. D. C. No. 21296. Sample No. 42067–H.)

LIBEL FILED: September 19, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about September 16, 1946, by N. R. Coulbourne, from Crisfield, Md.

PRODUCT: 1 50-pound barrel of crab meat at Buffalo, N. Y. Examination showed that the product was contaminated with *E. coli.*

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance.

DISPOSITION: October 14, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11765. Adulteration of crab meat. U. S. v. 100 Cans * * *. (F. D. C. No. 21297. Sample No. 42071–H.)

LIBEL FILED: September 19, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 17, 1946, by Carol Dryden & Co., from Crisfield, Md.

PRODUCT: 100 1-pound cans of crab meat at Philadelphia, Pa. The product was contaminated with *E. coli.*

LABEL, IN PART: "One Pound Pride of the Chesapeake Crab Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance.

DISPOSITION: October 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11766. Adulteration of crab meat. U. S. v. 23 Cases * * *. (F. D. C. No. 21240. Sample No. 63871–H.)

LIBEL FILED: October 14, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about July 29, 1946, by the Tropical Foods Co., from New Orleans, La.

PRODUCT: 23 cases, each containing 24 7⅞10-ounce cans, of crab meat at Belleville, N. J.

LABEL, IN PART: "Tropical Brand Net Weight 7⅞10 Ozs. White Meat American Crab Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance; and, Section 402 (b) (2), brine had been substituted in part for crab meat, which the article was represented to be.

DISPOSITION: March 3, 1947. The Tropical Foods Co., claimant, having withdrawn its claim and petition for inspection, and having disclaimed any further interest in the property, judgment of condemnation was entered and the product was ordered destroyed.

11767. Adulteration of crab meat. U. S. v. 98 Cases * * *. (F. D. C. No. 21265. Sample No. 57579–H.)

LIBEL FILED: October 22, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about July 30, 1946, by the L. C. Mays Co., Inc., from New Orleans, La.

PRODUCT: 98 cases, each containing 24 cans, of crab meat at Boston, Mass.

LABEL, IN PART: "High Sea Brand Net Wt. 7⅞10 Ozs. [or "Drained Weight 6½ Ozs."] * * * American Crab Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance; and, Section 402 (b) (2), brine had been substituted in part for crab meat. (The cans contained an average of 5.53 ounces of drained crab meat, whereas a can of that size should contain at least 8.24 ounces of drained crab meat.)

DISPOSITION: March 3, 1947. Default decree of condemnation and destruction.

11768. Adulteration of crab meat. U. S. v. 7 Cases * * *. (F. D. C. No. 21260. Sample No. 54653–H.)

LIBEL FILED: October 30, 1946, Southern District of Florida.

ALLEGED SHIPMENT: On or about July 27, 1946, by the Skrmetta Sea Food Co., from New Orleans, La.

PRODUCT: 7 cases, each containing 24 cans, of crab meat.

LABEL, IN PART: "Sea Treasure Brand Net Weight 7⅞ Ozs. * * * American Crab Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance; and, Section 402 (b) (2), brine had been substituted in part for crab meat. (The cans contained an average of 6.71 ounces of drained crab meat, whereas a can of that size should contain at least 8.24 ounces of drained crab meat.)

DISPOSITION: March 11, 1947. Default decree of condemnation and destruction.

11769. Adulteration and misbranding of crab meat. U. S. v. 79 Cases * * *. (F. D. C. No. 21320. Sample No. 58955–H.)

LIBEL FILED: November 12, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about October 10, 1946, by the Mountain States Wholesale Co., from Boise, Idaho. This product was originally shipped by the Strand Fisheries, from Aberdeen, Wash., to Boise, Idaho, and was returned by the consignee.

PRODUCT: 79 cases, each containing 48 cans, of crab meat at Aberdeen, Wash. Examination showed that the product was decomposed. The cans contained an average of 5.55 ounces avoirdupois of drained crab meat, whereas cans of this size should contain at least 6.3 ounces avoirdupois of drained crab meat.

LABEL, IN PART: "Strand Brand Fancy Crab Meat * * * Net Weight 6½ ounces Packed by Strand Fisheries, Hoquiam, Washington."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance; and, Section 402 (b) (2), brine had been substituted in part for crab meat.

DISPOSITION: May 27, 1947. Gus Strand, trading as the Strand Fisheries, Hoquiam, Wash., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

11770. Adulteration and misbranding of canned minced clams. U. S. v. Plymouth Packing Co., a partnership, and F. Nelson Blount. Plea of guilty by partnership; fine, $250. Plea of nolo contendere by F. Nelson Blount; fine, $50. (F. D. C. No. 21477. Sample Nos. 44573–H, 44574–H, 45592–H, 56674–H, 59257–H, 59322–H.)

INFORMATION FILED: June 6, 1947, District of Massachusetts, against the Plymouth Packing Co., a partnership, Plymouth, Mass., and F. Nelson Blount, a partner.

ALLEGED SHIPMENT: Between the approximate dates of March 7 and April 17, 1946, from the State of Massachusetts into the States of California, Washington, and Oregon.

LABEL, IN PART: "Point Judith Minced Clams Contents 10½ oz. Drained Weight 5 oz."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), diluted clam juice had been substituted in part for minced clams.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. The cans bore the statement "Drained Weight 5 oz.," but they contained less than 5 ounces drained weight of clams.

DISPOSITION: October 28, 1947. A plea of guilty having been entered on behalf of the partnership, and a plea of nolo contendere having been entered by F. Nelson Blount, the former was fined $250 and the latter was fined $50.

11771. Adulteration of oysters. U. S. v. 39 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 21322 to 21325, incl. Sample Nos. 32172–H, 32173–H, 71007–H, 71008–H.)

LIBELS FILED: October 15, 1946, Southern District of California.

ALLEGED SHIPMENT: Between the approximate dates of July 23 and August 17, 1946, by Harkness Sea Gold Products, from Portland, Oreg.

PRODUCT: Oysters. 39 cases at Los Angeles and 355 cases at San Bernardino, Calif. Each case contained 24 5-ounce jars.

LABEL, IN PART: "Sea Gold Extra Fancy Pacific Oysters."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 14 and 15, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

11772. Adulteration of frozen shrimp. U. S. v. 921 Pounds * * *. (F. D. C. No. 21234. Sample No. 63509–H.)

LIBEL FILED: October 10, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about July 28, 1946, by Bill Wells, from Southport, N. C.

PRODUCT: 921 pounds of frozen shrimp at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 4, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUITS AND VEGETABLES

FRESH, DRIED, AND FROZEN FRUIT

11773. Adulteration of apples. U. S. v. 208 Bushels * * *. (F. D. C. No. 21291. Sample No. 40746–H.)

LIBEL FILED: September 30, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 7, 1946, by Ray Caselton, from Golden Eagle, Ill.

PRODUCT: 208 bushels of apples at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

DISPOSITION: October 25, 1946. No claimant having appeared, judgment of condemnation was entered and the apples were ordered delivered to a charitable institution, conditioned that they be peeled and that the peelings and cores be destroyed under the supervision of the Food and Drug Administration.

11774. Adulteration of apples. U. S. v. 136 Bushels * * *. (F. D. C. No. 21292. Sample No. 40749–H.)

LIBEL FIELD: September 30, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 5, 1946, by Schaper-Jones Orchards, from Jersey County, Ill.

PRODUCT: 136 bushels of apples at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

DISPOSITION: October 25, 1946. No claimant having appeared, judgment of condemnation was entered and the apples were ordered delivered to charitable institutions, conditioned that they be peeled and that the peelings and cores be destroyed under the supervision of the Food and Drug Administration.

11775. Adulteration of apples. U. S. v. 100 Bushels * * *. (F. D. C. No. 21294. Sample No. 40774–H.)

LIBEL FILED: October 10, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 1, 1946, by Clarence Ringhausen, from Jerseyville, Ill.

PRODUCT: 100 bushels of apples at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

DISPOSITION: November 1, 1946. No claimant having appeared, judgment of condemnation was entered and the apples were ordered delivered to a charitable institution, conditioned that they be peeled and that the peelings and cores be destroyed under the supervision of the Food and Drug Administration.

11776. Adulteration of apples. U. S. v. 49 Bushels * * *. (F. D. C. No. 21295. Sample No. 40778–H.)

LIBEL FILED: October 10, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 7, 1946, by John Moses, from Golden Eagle, Ill.

PRODUCT: 49 bushels of apples at St. Louis, Mo.

LABEL, IN PART: "Champion Brushed."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

DISPOSITION: November 1, 1946. Default decree of condemnation. The apples were ordered delivered to a charitable institution, conditioned that they be peeled and that the peelings and cores be destroyed under the supervision of the Food and Drug Administration.

11777. Adulteration of apples. U. S. v. 41 Bushels * * *. (F. D. C. No. 21293. Sample No. 40773–H.)

LIBEL FILED: October 9, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 7, 1946, by John Moses, from Golden Eagle, Ill.

PRODUCT: 41 bushels of apples at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

DISPOSITION: November 1, 1946. No claimant having appeared, judgment of condemnation was entered and the apples were ordered delivered to a charitable institution, conditioned that they be peeled and that the peelings and cores be destroyed under the supervision of the Food and Drug Administration.

11778. Adulteration of raisins. U. S. v. Central California Packing Co. and Nerces Azadian. Pleas of nolo contendere. Fines of $800 against the individual and $200 against the company. (F. D. C. No. 21522. Sample Nos. 20966–H, 56867–H.)

INFORMATION FILED: January 20, 1947, Southern District of California, against the Central California Packing Co., a partnership, Del Rey, Calif., and Nerces Azadian, a member of the partnership.

ALLEGED SHIPMENT: On or about December 18 and 29, 1945, from the State of California into the States of Rhode Island and Nebraska.

LABEL, IN PART: "Del Cara Brand Thompson Seedless Raisins Packed by Central California Packing Co.," or "Black Bird Brand Thompson Raisins Packed for H. P. Lau Co., Lincoln, Nebr."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of moldy and decomposed raisins.

DISPOSITION: February 21, 1947. Pleas of nolo contendere having been entered, the court imposed fines of $800 against the individual and $200 against the company.

11779. Adulteration of raisins. U. S. v. Turlock Dehydrating & Packing Co., a partnership, and Knut Knutsen and Oscar M. Knutsen. Pleas of nolo contendere. Partnership defendant fined $200; each individual defendant fined $20. (F. D. C. No. 21520. Sample Nos. 12601–H, 12602–H, 15034–H.)

INFORMATION FILED: January 20, 1947, Northern District of California, against the Turlock Dehydrating & Packing Co., Turlock, Calif., and Knut Knutsen and Oscar M. Knutsen, partners.

ALLEGED SHIPMENT: On or about October 26 and November 1, 1945, from the State of California into the States of Illinois and Massachusetts.

LABEL, IN PART: "Kanco Brand Thompson Seedless Raisins," or "Soda Dipped Thompson Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of moldy raisins.

DISPOSITION: April 7, 1947. Pleas of nolo contendere having been entered on behalf of the three defendants, the court imposed fines of $200 against the partnership and $20 against each individual defendant.

11780. Adulteration of dried peaches and raisins. U. S. v. Vagim Packing Co., a partnership, and James G. Vagim. Pleas of nolo contendere. Partnership fined $1,000; individual fined $500. (F. D. C. No. 21532. Sample Nos. 1094–H, 12175–H.)

INFORMATION FILED: March 28, 1947, Southern District of California, against the Vagim Packing Co., Fresno, Calif., and James G. Vagim, a partner.

ALLEGED SHIPMENT: Between the approximate dates of January 8 and 18, 1946, from the State of California into the States of Georgia and Rhode Island.

LABEL, IN PART: "Sail-Maker Brand Varigrade Yellow Peaches," or "Plump and Meaty * * * Thompson Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the peaches consisted in part of a filthy and decomposed substance by reason of the presence of sand, black grit, dirt, and moldy peaches; the raisins consisted in part of a decomposed substance by reason of the presence of moldy and decomposed raisins.

DISPOSITION: August 14, 1947. The partnership having entered a plea of nolo contendere to counts 1 and 2 and not guilty to counts 3, 4, and 5, was fined $500 on each of the first 2 counts. James G. Vagim having entered a plea of nolo contendere to count 1 and not guilty to counts 2, 3, 4, and 5, was fined $500 on the first count. All counts of the information to which a plea of not guilty was entered were dismissed.

11781. Adulteration of prunes. U. S. v. 2,863 Cartons * * *. (F. D. C. No. 21413. Sample No. 52681–H.)

LIBEL FILED: November 14, 1946, Southern District of Indiana.

ALLEGED SHIPMENT: On or about August 6, 1946, by the Clara Val Packing Co., from Morgan Hill, Calif.

PRODUCT: 2,863 25-pound cartons of prunes at Terre Haute, Ind.

LABEL, IN PART: "Hi Value Santa Clara Prunes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: January 3, 1947. Recipe Foods, Inc., Terre Haute, Ind., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for the separation of the portion fit for human consumption from the unfit portion. The latter was ordered destroyed, or used for animal feed or distillation purposes, all under the supervision of the Federal Security Agency.

11782. Adulteration of frozen blackberries. U. S. v. 951 Cases * * *. (F. D. C. No. 21384. Sample Nos. 66950–H, 67136–H.)

LIBEL FILED: On or about November 1, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 11, 1946, by the Craddock Canning & Preserve Co., from Paducah, Ky., to Kansas City, Mo., and reshipped from that point by Frost King Foods, Inc., on October 2, 1946.

PRODUCT: 951 cases, each containing 6 6-pound cans, of frozen blackberries at Chicago, Ill.

LABEL, IN PART: "Frost King Fancy Frozen Blackberries * * * Frost King Foods, Inc., Rochester, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of maggots and other insects and decomposed berries.

DISPOSITION: December 13, 1946. Frost King Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvage, under the supervision of the Food and Drug Administration. The product was used in the manufacture of brandy.

11783. Adulteration and misbranding of frozen cherries. U. S. v. 77 Cases * * *. (F. D. C. No. 21418. Sample No. 51570–H.)

LIBEL FILED: November 8, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about July 5, 1946, by the Joseph Kiser Co., from Santa Clara, Calif.

PRODUCT: 77 cases, each containing 24 14-ounce packages, of frozen cherries at Minneapolis, Minn.

LABEL, IN PART: "Pacific Queen Dark Sweet Frozen Cherries With Added Sugar."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk and weight.

Misbranding, Section 403 (a), the label statement "Frozen Cherries With Added Sugar" was false and misleading as applied to an article containing added water; and, Section 403 (i) (2), the article failed to bear a label containing the common or usual name of each ingredient, since the water was not declared.

DISPOSITION: February 19, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

11784. Adulteration of frozen strawberries. U. S. v. 200 Cases (and 2 other seizure actions). (F. D. C. Nos. 21368, 21825, 22902. Sample Nos. 61645–H, 65825–H, 65828–H, 81222–H.)

LIBELS FILED: October 29 and December 4, 1946, and April 7, 1947, District of Minnesota, Eastern District of Michigan, and District of New Jersey.

ALLEGED SHIPMENT: On or about October 1 and 21 and November 5, 1946, by the R. D. Bodle Co., from Seattle and Ballard, Wash.

PRODUCT: Frozen strawberries. 200 cases at Minneapolis, Minn., 99 cases at Detroit, Mich., and 140 cases at Camden, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed and moldy berries.

DISPOSITION: March 18 and 25 and June 28, 1947. The R. D. Bodle Co., claimant for the lots at Minneapolis and Camden, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed. A default decree of condemnation was entered with respect to the Detroit lot, and this lot was ordered destroyed by disposition as animal feed.

MISCELLANEOUS FRUIT PRODUCTS

11785. Misbranding of jellies. U. S. v. Royal Palm Kitchens and Adolph C. Kordick. Pleas of nolo contendere. Fine, $150 and costs. (F. D. C. No. 21515. Sample Nos. 35467–H to 35472–H, incl.)

INFORMATION FILED: January 2, 1947, Northern District of Illinois, against Royal Palm Kitchens, a partnership, Chicago, Ill., and Adolph C. Kordick, a partner.

ALLEGED SHIPMENT: On or about April 11, 1946, from the State of Illinois into the State of Missouri.

LABEL, IN PART: "Royal Palm Pure Concord Grape [or "Plum," "Black Raspberry," "Strawberry," "Crabapple," or "Blackberry"] Jelly."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the articles failed to conform to the definition and standard of identity for fruit jellies in that they contained less than 45 parts by weight of fruit juice to each 55 parts by weight of one of the optional saccharine ingredients; with the exception of the plum jelly, they had been insufficiently concentrated and contained added water; and the grape, black raspberry, and blackberry jellies contained phosphoric acid, or acid phosphate, which are not permitted as optional ingredients of jellies by the definition and standard.

DISPOSITION: February 4, 1947. Pleas of nolo contendere having been entered on behalf of both defendants, the court imposed a fine of $25 jointly against both defendants on each of the 6 counts.

11786. Adulteration and misbranding of apple butter. U. S. v. 406 Cases * * *. (F. D. C. No. 21224. Sample No. 64325–H.)

LIBEL FILED: October 8, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about July 26, 1946, by the Goodwin Preserving Co., from Louisville, Ky.

PRODUCT: 406 cases, each containing 24 14-ounce jars, of apple butter at New York, N. Y.

LABEL, IN PART: "Goodwin's Best Extra Fancy Pure Apple Butter, Prepared From Evaporated Apples, Sugar, Apple Cider and Spices."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing dried pear had been substituted in whole or in part for apple butter.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard for apple butter prepared from evaporated apples since it contained added dried pear, which is not permitted in the definition and standard as an ingredient.

DISPOSITION: December 16, 1946. Wallace, Burton & Davis Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

11787. Misbranding of apple butter. U. S. v. 150 Cases * * *. (F. D. C. No. 21218. Sample No. 42064–H.)

LIBEL FILED: October 2, 1946, District of Columbia.

ALLEGED SHIPMENT: On or about July 24, 1946, by Adams Apple Products Corp., from Aspers, Pa.

PRODUCT: 150 cases, each containing 6 7-pound, 8-ounce cans, of apple butter at Washington, D. C.

LABEL, IN PART: "Adams Maid Brand Apple Butter."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for apple butter since the soluble solids content of the article was less than 43 percent, the minimum prescribed in the definition and standard.

DISPOSITION: November 20, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

11788. Adulteration of canned applesauce. U. S. v. 55 Cases * * *. (F. D. C. No. 21386. Sample No. 53520–H.)

LIBEL FILED: October 29, 1946, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about August 24, 1946, by the Craddock Canning & Preserve Co., from Paducah, Ky.

PRODUCT: 55 cases, each containing 6 6-pound, 8-ounce cans, of applesauce at Nashville, Tenn.

LABEL, IN PART: "Tip-Top Brand Apple Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: April 29, 1947. No claimant having appeared, judgment was entered ordering the destruction of the product.

VEGETABLES

11789. Misbranding of canned mushrooms. U. S. v. J. B. Swayne & Son, Inc., and J. Bancroft Swayne, Jr. Pleas of nolo contendere. Corporation fined $1,000; individual fined $100. (F. D. C. No. 21455. Sample Nos. 3721–H, 63378–H, 70514–H, 70517–H.)

INFORMATION FILED: January 16, 1947, Eastern District of Pennsylvania, against J. B. Swayne & Son, Inc., Kennett Square, Pa., and J. Bancroft Swayne, Jr., vice president and treasurer.

ALLEGED SHIPMENT: On or about January 15 and May 4 and 13, 1946, from the State of Pennsylvania into the States of Maryland, New Jersey, and California.

LABEL, IN PART: (Cans) "Mushrooms Fancy Buttons Quaker State Brand * * * Drained Net Weight 8 Ozs.," or "Mushrooms Whole Quaker State Brand * * * Drained Net Weight 1 Lb."; (portion of cans) "Fancy Buttons * * * Mushrooms."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the label failed to bear an accurate statement of the quantity of the contents since the drained net weight of the product was less than that declared; and, Section 403 (a), the statement "Mushrooms Fancy Buttons," together with a vignette of mushroom buttons on the cans in two of the shipments, and the statement "Fancy Buttons * * * Mushrooms" on the cartons in one of the stated shipments, were false and misleading since the article consisted of mushroom buttons not of fancy quality, because of blemished units, long stems, and (in some instances) variation in the size of the mushroom buttons.

DISPOSITION: March 20, 1947. Pleas of nolo contendere having been entered, the court imposed a fine of $250 on each of the 4 counts against the corporation and fined the individual $100, a total fine of $1,100.

11790. Misbranding of fresh mushrooms. U. S. v. John Accorsi. Plea of guilty. Fine, $50. (F. D. C. No. 21526. Sample Nos. 5518–H, 5527–H.)

INFORMATION FILED: February 7, 1947, District of Delaware, against John Accorsi, Hockessin, Del.

ALLEGED SHIPMENT: On or about April 17 and May 1, 1946, from the State of Delaware into the States of New York and Pennsylvania.

LABEL, IN PART: "Special Mushrooms 3 Lbs. Net."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the baskets of mushrooms bore the statement "3 Lbs. Net," but contained less than 3 pounds net of the product.

DISPOSITION: February 25, 1947. A plea of guilty having been entered, the court imposed a fine of $50 against the defendant.

11791. Misbranding of fresh mushrooms. U. S. v. Leo Furia. Plea of guilty. Fine, $250. (F. D. C. No. 21491. Sample No. 5523–H.)

LIBEL FILED: December 5, 1946, Eastern District of Pennsylvania, against Leo Furia, Kennett Square, Pa.

ALLEGED SHIPMENT: On or about April 24, 1946, from the State of Pennsylvania into the State of New York.

LABEL, IN PART: (Baskets) "Mushrooms 3 Lbs. Net."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the baskets bore the statement "3 Lbs. Net," but contained less than 3 pounds net of the product.

DISPOSITION: February 17, 1947. The defendant having entered a plea of guilty, the court imposed a fine of $250.

11792. Misbranding of fresh mushrooms. U. S. v. Joseph Teti. Plea of nolo contendere. Fine, $300. (F. D. C. No. 21507. Sample Nos. 5516–H, 5524–H, 5528–H.)

INFORMATION FILED: January 21, 1947, Eastern District of Pennsylvania, against Joseph Teti, Toughkenamon, Pa.

ALLEGED SHIPMENT: On or about April 16 and 24 and May 1, 1946, from the State of Pennsylvania into the State of New York.

LABEL, IN PART: (Portion) "3 Lb. Net Mushrooms Joseph Teti Special."

NATURE OF CHARGE: Misbranding, Section 402 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents since the baskets either bore the statements "3 Lb. Net" and contained less than 3 pounds net, or bore no label containing a statement of the quantity of the contents.

DISPOSITION: March 7, 1947. The defendant having entered a plea of nolo contendere, the court imposed a fine of $100 on each of the 3 counts.

11793. Adulteration of canned mustard greens and canned turnip greens. U. S. v. 236 Cases * * *. (F. D. C. No. 21328. Sample Nos. 49592–H, 49593–H.)

LIBEL FILED: October 15, 1946, Eastern District of Texas.

ALLEGED SHIPMENT: On or about June 29, 1946, by the Hinton Food Products Co., from Rogers, Ark.

PRODUCT: 236 cases, each containing 24 1-pound, 2-ounce cans, of mustard greens and 76 cases, each containing 24 1-pound, 2-ounce cans, of turnip greens at Beaumont, Tex. The mustard greens contained flies and other adult insects, aphids, and decomposed mustard greens, and the turnip greens contained flies, aphids, and thrips.

LABEL, IN PART: "Staff-O-Life Brand Mustard [or "Turnip"] Greens Distributed by Canners Exchange, Inc. Springfield, Mo."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the mustard greens consisted in whole or in part of a filthy and decomposed substance, and the turnip greens consisted in whole or in part of a filthy substance.

DISPOSITION: November 14, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

11794. Adulteration of canned field peas. U. S. v. 1,352 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 21246, 21608. Sample Nos. 54632–H, 54643–H, 54655–H.)

LIBELS FILED: October 14 and November 1, 1946, Southern District of Florida.

ALLEGED SHIPMENT: Between the approximate dates of July 22 and September 2, 1946, by the Kent Canning Co., from Gibson, Ga.

PRODUCT: 1,669 cases, each containing 24 1-pound, 3-ounce cans, of field peas at Jacksonville, Fla.

LABEL, IN PART: "Kent's Pride Georgia Field Peas With Snaps."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: January 17, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

Nos. 11795 to 11798 report actions involving canned peas that purported to be a food for which a standard of quality has been prescribed by law, but the quality was charged to fall below the standard because of higher alcohol-insoluble solids than the maximum permitted by the standard, and the labels failed to bear, in the manner and form that the regulations specify, a statement that the product was below the standard.

11795. Misbranding of canned peas. U. S. v. 1,138 Cases * * *. (F. D. C. No. 21252. Sample No. 40794–H.)

LIBEL FILED: October 17, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 6, 1946, by the Cobb Canning Co., from Cobb, Wis.

PRODUCT: 1,138 cases, each containing 24 cans, of peas at St. Louis, Mo. The product was shipped in unlabeled cans, but was invoiced as standard canned peas.

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (g) (2), its label failed to bear the name of the food specified in the definition and standard; and, Section 403 (h) (1), the article was below standard.

DISPOSITION: November 19, 1946. The Cobb Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

11796. Misbranding of canned peas. U. S. v. 122 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 21336, 22384, 22471. Sample Nos. 50822–H, 68950–H, 72928–H, 72929–H.)

LIBELS FILED: October 17, 1946, and January 14 and February 10, 1947, Northern District of Iowa, Western District of Kentucky, and Northern District of Illinois.

ALLEGED SHIPMENT: July 19 and August 6 and 10, 1946, by the Krier Preserving Co., from Belgium, Wis.

PRODUCT: Peas. 122 cases at Dubuque, Iowa, 236 cases at Chicago, Ill., and 588 dozen cans at Louisville, Ky. Each case contained 24 1-pound, 4-ounce cans.

LABEL, IN PART: "Roma Early June Peas," "Belle of Belgium Wisconsin * * * June Peas," or "Ube See Brand Sifted Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard in quality.

DISPOSITION: November 14, 1946, and February 25 and March 7, 1947. The Krier Preserving Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be relabeled in compliance with the law, under the supervision of the Federal Security Agency.

11797. Misbranding of canned peas. U. S. v. 726 Cases * * *. (F. D. C. No. 21217. Sample Nos. 3738–H, 3739–H.)

LIBEL FILED: October 2, 1946, District of Maryland.

ALLEGED SHIPMENT: On or about July 26 and August 10, 1946, by Burgoon & Yingling, from Gettysburg, Pa.

PRODUCT: 726 cases, each containing 24 1-pound, 4-ounce cans, of peas at Baltimore, Md.

LABEL, IN PART: "National Park Brand Run of the Pod Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard.

DISPOSITION: October 18, 1946. Burgoon & Yingling, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

11798. Misbranding of canned peas. U. S. v. 890 Dozen Cans * * *. (F. D. C. No. 21345. Sample No. 49976–H.)

LIBEL FILED: October 22, 1946, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about August 7, 1946, by the Minnesota Valley Canning Co., from Belvidere, Ill.

PRODUCT: 890 dozen 1-pound, 4-ounce cans, of peas at New Orleans, La.

LABEL, IN PART: "Coaster Brand Early June Peas * * * Distributed by Central Wisconsin Canneries Inc. Beaver Dam, Wis."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard.

DISPOSITION: November 14, 1946. The Minnesota Valley Canning Co., Inc., Le Sueur, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

11799. Adulteration of dill pickles. U. S. v. 618 Cases * * * (and 4 other seizure actions). F. D. C. Nos. 20578, 20756, 21141, 21391, 21392. Sample Nos. 48141–H, 48166–H, 48167–H, 48179–H, 65224–H, 65342–H.)

LIBELS FILED: Between the dates of July 31 and October 31, 1946, District of Utah, District of Wyoming, and Eastern District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of November 14, 1945, and June 8, 1946, by the Sparks Pickle Co., from Sparks, Ga.

PRODUCT: Dill Pickles. 880 cases, each containing 6 3-quart, 9-ounce cans, at Philadelphia, Pa.; 177 cases, each containing 12 25-ounce jars, at Salt Lake City, and 199 cases, each containing 25 15¼-ounce jars, at Provo, Utah; and 167 cases, each containing 12 25-ounce jars, at Kemmerer, Wyo. Two lots of the product were found to contain wormy pickles and dirt, and the remainder contained mold.

LABEL, IN PART: "Sparks Brand Fresh Pack [or "Crosscut"] Dill Pickles," or "Sparks Dill Mixed Pickles."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3) and (4), two lots of the article consisted in whole or in part of a filthy substance and had been prepared under insanitary conditions whereby they may have become contaminated with filth. The remainder consisted in whole or in part of a decomposed substance.

DISPOSITION: October 22, November 9, and December 20 and 31, 1946. No claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

11800. Misbranding of dill pickle chips. U. S. v. 97 Cases * * *. (F. D. C. No. 20549. Sample No. 44607–H.)

LIBEL FILED: July 19, 1946, District of Arizona.

ALLEGED SHIPMENT: On or about June 7, 1946, by the Miracle Maid Products Co., from San Gabriel, Calif.

PRODUCT: 97 cases, each containing 24 jars, of dill pickle chips at Phoenix, Ariz. Examination showed that the jars would not hold one pint.

LABEL, IN PART: "HAV-SUM Fancy DILL PICKLES * * * Net Contents one pint."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: November 29, 1946. The Miracle Maid Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling in compliance with the law, under the supervision of the Federal Security Agency.

11801. Misbranding of potatoes. U. S. v. Gilcrest Early Potato Assoc. Plea of nolo contendere. Fine, $50. (F. D. C. No. 21534. Sample Nos. 35568–H, 48255–H.)

INFORMATION FILED: February 10, 1947, District of Colorado, against the Gilcrest Early Potato Assoc., a corporation, Gilcrest, Colo.

ALLEGED SHIPMENT: On or about August 15, 1946, from the State of Colorado into the States of Tennessee and Missouri.

LABEL, IN PART: "U. S. No. 1 Western Grown M. P. Co. Potatoes Mathews Produce Co. Greeley, Colo."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the labels on the bags failed to contain an accurate statement of the quantity of the contents, in that the labels bore the statement "100 Lbs. Net," which was incorrect since the bags contained less than 100 pounds.

DISPOSITION: May 20, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $50.

11802. Adulteration of frozen spinach. U. S. v. 500 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 21395, 21731, 22897. Sample Nos. 35802–H, 61564–H, 65684–H.)

LIBELS FILED: On or about October 30 and November 22, 1946, and April 9, 1947, Eastern District of Missouri, District of Oregon, and District of New Jersey.

ALLEGED SHIPMENT: On or about July 6, August 14, and November 8, 1946, by the S. A. Moffett Co., Inc., from Mt. Vernon and Seattle, Wash.

PRODUCT: Frozen spinach. 500 cases at St. Louis, Mo., 350 cases at Portland, Oreg., and 140 cases at Camden, N. J. Each case in the Portland lot contained 36 14-ounce packages, and each case in the other lots contained 12 2½-pound packages.

LABEL, IN PART: "Polar Frosted Foods Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), weeds and grass in all lots, together with excess water in the Portland lot, and excess water and pieces of wood in the Camden lot, had been substituted in part for spinach; and, Section 402 (b) (4), water had been added to the Portland and Camden lots so as to increase their bulk and weight, and weeds and grass in the Portland and St. Louis lots had been mixed and packed with the article so as to reduce its quality.

DISPOSITION: November 20, 1946, and January 14 and May 23, 1947. The S. A. Moffett Co., Inc., having appeared as claimant for the St. Louis lot and having consented to the entry of a decree, and no claimant having appeared for the other lots, judgments of condemnation were entered. The St. Louis lot was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency, and the other lots were ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

11803. Misbranding of canned tomatoes. U. S. v. 499 Cases, etc. (F. D. C. Nos. 21404, 21667. Sample Nos. 40018–H, 40021–H.)

LIBELS FILED: November 2 and 22, 1946, Western District of Missouri.

ALLEGED SHIPMENT: On or about September 21, 1946, by the Blue Eye Canning Co., from Blue Eye, Ark.

PRODUCT: Canned tomatoes. 499 cases at Nevada, Mo., and 499 cases at Joplin, Mo. Each case contained 24 1-pound, 3-ounce cans, of tomatoes.

LABEL, IN PART: "Spring Creek Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes since the drained weight was less than 50 percent of the weight of water required to fill the container, and the article was not labeled as substandard, as required by the regulations.

DISPOSITION: January 13, 1947. The Blue Eye Canning Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

11804. Adulteration of tomato puree. U. S. v. Riverbank Canning Co., a corporation, and Lorenzo Zerillo and Samuel P. Cava. Pleas of nolo contendere. Corporation fined $500; Lorenzo Zerillo, $750; and Samuel P. Cava, $250. (F. D. C. No. 21500. Sample No. 7331–H.)

INFORMATION FILED: March 14, 1947, Northern District of California, against the Riverbank Canning Co., Riverbank, Calif., and Lorenzo Zerillo and Samuel P. Cava, officers of the firm.

ALLEGED SHIPMENT: On or about November 23, 1945, from the State of California into the State of New Jersey.

LABEL, IN PART: "Zelo Brand Fancy Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: April 7, 1947. Pleas of nolo contendere having been entered on behalf of the three defendants, the court imposed a fine of $500 against the corporation, and fines of $750 and $250, respectively, against the individual defendants, Lorenzo Zerillo and Samuel P. Cava.

11805. Adulteration of tomato puree. U. S. v. San Jose Canning Co. and Eugene J. Filice. Pleas of nolo contendere. Fines of $150 against the firm and $3 against Eugene J. Filice. (F. D. C. No. 21496. Sample Nos. 9140–H, 46629–H, 63381–H.)

INFORMATION FILED: December 5, 1946, Northern District of California, against the San Jose Canning Co., a partnership, San Jose, Calif., and Eugene J. Filice, a partner.

ALLEGED VIOLATIONS: On or about November 28, 1944, the defendants gave a guaranty to the Regent Canfood Co., San Francisco, Calif., a division of Safeway Stores, Inc., Oakland, Calif., which contained the provision, among others, that any article of food shipped or delivered by the defendants to the latter firm would not be adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On or about November 15, 1945, the defendants delivered a quantity of adulterated canned tomato puree to the Regent Canfood Co.; and on or about December 11, 1945, a portion of the product so delivered by the defendants was shipped by the Regent Canfood Co., from the State of California into the State of Montana. On or about November 21, 1945, the defendants themselves shipped from the State of California into the State of New York certain consignments of adulterated tomato puree.

LABEL, IN PART: "Redpack Brand * * * Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: February 5, 1947. Pleas of nolo contendere having been entered by both defendants, the court imposed fines of $150 against the partnership and $3 against the individual defendant.

11806. Adulteration of tomato puree. U. S. v. 48 Cases * * *. (F. D. C. No. 22487. Sample No. 41241–H.)

LIBEL FILED: February 6, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 24, 1946, by the Finer Foods Packing Corp., from Terre Haute, Ind.

PRODUCT: 48 cases, each containing 6 No. 10 cans, of tomato puree at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: April 4, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

NUTS AND NUT PRODUCTS

11807. Adulteration of brazil nuts. U. S. v. 43 Bags * * * (and 6 other seizure actions). (F. D. C. Nos. 21302, 21303, 21310 to 21313, incl., 21604. Sample Nos. 1497–H to 1500–H, incl., 54901–H, 54902–H.)

LIBELS FILED: October 24, 25, and 28, and November 1, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about October 1, 1946, by Hudson, Duncan & Co., from New York, N. Y.

PRODUCT: 444 100-pound bags of brazil nuts at Atlanta, Ga. Examination showed that the product contained moldy and decomposed nuts, and that a portion of it was insect-infested.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance and (portion) of a filthy substance.

DISPOSITION: November 13, 1946. Hudson, Duncan & Co., Portland, Oreg., claimant, having consented to the entry of a decree, the cases were consolidated. Judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

11808. Adulteration of peanuts and mixed nuts. U. S. v. Harry P. Ritchie (Harry P. Ritchie Co.). Plea of nolo contendere. Fine, $800. Defendant placed on probation for 1 year. (F. D. C. No. 21504. Sample Nos. 70624–H, 70625–H.)

INFORMATION FILED: January 15, 1947, Southern District of California, against Harry P. Ritchie, trading as the Harry P. Ritchie Co., Los Angeles, Calif.

ALLEGED SHIPMENT: On or about August 6, 1946, from the State of California into the State of Colorado.

LABEL, IN PART: "Salted Mogul (WB) Peanuts Fresh Ritchie's Nuts," or "Royal Mix Fresh Ritchie's Nuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insects, larvae, insect fragments, and mites; and, Section 403 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: February 24, 1947. The defendant having entered a plea of nolo contendere, the court imposed a fine of $800 on count 1, suspended sentence on the remaining count, and placed the defendant on probation for 1 year.

11809. Adulteration of peanuts. U. S. v. 35 Bags * * * (and 1 other seizure action). (F. D. C. Nos. 21044, 21332. Sample Nos. 53341–H, 57471–H.)

LIBELS FILED: September 25 and October 16, 1946, District of Massachusetts and Southern District of Ohio.

ALLEGED SHIPMENT: On or about January 25 and February 12, 1946, by the Sebrell Peanut Co., from Courtland, Va.

PRODUCT: 35 100-pound bags of peanuts in the shell at Boston, Mass., and 27 100-pound bags of the same product at Cincinnati, Ohio. Examination showed that the product was insect-infested and that, in addition, the Cincinnati lot was decomposed.

LABEL, IN PART: "Hand Picked Fancy Virginia Peanuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), a portion of the article consisted in whole or in part of a filthy substance, and the remainder consisted in whole or in part of a filthy and decomposed substance.

DISPOSITION: November 15, 1946, and January 2, 1947. The Titus & Martin Co., Cincinnati, Ohio, and the Boston Peanut Roasting Co., Boston, Mass., claimants, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond. It was ordered that the Boston lot be reconditioned by the sorting and picking out of all objectionable material, and that the Cincinnati lot be denatured and converted into stock feed, under the supervision of the Food and Drug Administration.

11810. Adulteration of shelled peanuts. U. S. v. 406 Bags * * *. (F. D. C. No. 20791. Sample Nos. 65548–H, 65553–H.)

LIBEL FILED: September 9, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 20, 1946, from Suffolk, Va., by D. Goldenberg, Inc.

PRODUCT: 406 115-pound bags of shelled peanuts at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy peanuts.

DISPOSITION: September 13, 1946. D. Goldenberg, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and denatured, or destroyed, under the supervision of the Food and Drug Administration.

11811. Adulteration of shelled Spanish peanuts. U. S. v. 200 Bags * * *. (F. D. C. No. 20902. Sample No. 60243–H.)

LIBEL FILED: September 19, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about November 21, 1945, by Rose City Foods, from Thomasville, Ga.

PRODUCT: 200 120-pound bags of shelled Spanish peanuts at Rochester, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and excreta.

DISPOSITION: January 3, 1947. A claim having been entered for the product, judgment of condemnation was entered. It was ordered that the product be released under bond, conditioned that the portions that were wholly bad be segregated from those that required reconditioning and from those that were good. It was further ordered that the claimant destroy the bad, and fumigate, sift, and hand-pick that portion that might be made good by such means, under the supervision of the Food and Drug Administration.

11812. Adulteration of pecan meats. U. S. v. Louis D. Acker (Acker Pecan & Produce Co.), and George M. Bacon. Pleas of nolo contendere. Fines of $200 against each defendant; both defendants placed on probation for 3 years. (F. D. C. No. 21502. Sample Nos. 992–H, 42824–H, 42859–H.)

INFORMATION FILED: December 17, 1946, Middle District of Georgia, against Louis D. Acker, trading as the Acker Pecan & Produce Co., Albany, Ga., and George M. Bacon, plant manager.

ALLEGED SHIPMENT: On or about March 26, April 20, and July 15, 1946, from the State of Georgia into the States of Florida, Maryland, and Virginia.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of moldy, rancid, and otherwise decomposed pecan meats, and a portion consisted in part of a filthy substance by reason of the presence of insects.

DISPOSITION: February 5, 1947. Pleas of nolo contendere having been entered by the defendants, the court imposed a fine of $200 against each defendant on count 1 and placed the defendants on probation for a period of 3 years on counts 2 and 3.

11813. Adulteration of pecan meats. U. S. v. Bateman Pecan Co. Plea of nolo contendere. Fine, $250. (F. D. C. No. 21514. Sample No. 38002–H.)

INFORMATION FILED: December 20, 1946, Middle District of Georgia, against the Bateman Pecan Co., a partnership, Macon, Ga.

ALLEGED SHIPMENT: On or about March 6, 1946, from the State of Georgia into the State of Illinois.

LABEL, IN PART: "Dixiana Brand * * * Brown Sweets Seedling."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of rancid, moldy, and discolored pecans.

DISPOSITION: April 11, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $250.

11814. Adulteration of pecan meats. U. S. v. C. S. Carter Shelling Plant. Plea of nolo contendere. Fine, $400. (F. D. C. No. 20944. Sample Nos. 1182–H, 3694–H, 49241–H, 49242–H.)

INFORMATION FILED: October 21, 1946, Middle District of Georgia, against the C. S. Carter Shelling Plant, a partnership, Camilla, Ga.

ALLEGED SHIPMENT: On or about February 4, 9, and 15, 1946, from the State of Georgia into the States of North Carolina, Louisiana, and Virginia.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hairs and fecal *E. coli;* and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 7, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $400.

11815. Adulteration of unshelled pecans. U. S. v. 46 Bags * * *. (F. D. C. No. 21371. Sample No. 51928–H.)

LIBEL FILED: October 26, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about September 12, 1945, by the Consolidated Pecan Sales Co., from Albany, Ga.

PRODUCT: 46 50-pound bags of unshelled pecans at Minneapolis, Minn.

LABEL, IN PART: "King Cole Pecans," or "Klondyk Graded Paper Shell Pecans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested, moldy, and decomposed pecans.

DISPOSITION: March 17, 1947, amending decree of November 13, 1946. Jack Sacks, St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the purpose of shelling and segregating the good portion from the bad, under the supervision of the Federal Security Agency.

11816. Adulteration of shelled pecans. U. S. v. 18 Cartons * * *. (F. D. C. No. 19914. Sample Nos. 41790–H, 41791–H.)

LIBEL FILED: May 16, 1946, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about March 20 and 22, 1946, by the Orangeburg Pecan Co., from Orangeburg, S. C.

PRODUCT: 18 60-pound cartons of shelled pecans at Parkersburg, W. Va.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rancid, moldy, and shriveled pecan meats.

DISPOSITION: An appearance was entered on behalf of the claimant, the Orangeburg Pecan Co., but before a decree of condemnation had been entered, the product was inadvertently returned to the claimant and destroyed. On November 20, 1946, an order was entered for the dismissal of the libel, conditioned upon the claimant's payments of the costs of the action.

11817. Adulteration of shelled walnuts. U. S. v. Karl Berberian, a partnership, and Karl Berberian and Haig G. Berberian. Pleas of nolo contendere. Each individual defendant fined $225; partnership defendant fined $3. (F. D. C. No. 20956. Sample Nos. 58136–H, 58138–H, 59304–H.)

INFORMATION FILED: November 8, 1946, Northern District of California, against

Karl Berberian, a partnership, Modesto, Calif., and Karl Berberian and Haig G. Berberian, partners.

ALLEGED SHIPMENT: On or about January 21, February 25, and March 7, 1946, from the State of California into the State of Washington.

LABEL, IN PART: "Kay–Bee KB Brand California Shelled Walnuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 22, 1946. Pleas of nolo contendere having been entered on behalf of the defendants, the court imposed a fine of $75 on each of the 3 counts of the information against each individual defendant, and a fine of $1 on each of the 3 counts against the partnership.

11818. Adulteration of shelled walnuts. U. S. v. Walter Granton (Granton Nut Co.). Plea of guilty. Fine, $400. (F. D. C. No. 20972. Sample No. 47417–H.)

INFORMATION FILED: December 5, 1946, Southern District of California, against Walter Granton, trading as the Granton Nut Co., Los Angeles, Calif.

ALLEGED SHIPMENT: On or about November 10, 1945, from the State of California into the State of Utah.

LABEL, IN PART: "California Shelled Walnuts Special Amber."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy and decomposed substance by reason of the presence of insect-infested and moldy walnut meats.

DISPOSITION: February 10, 1947. A plea of guilty having been entered by the defendant, the court imposed a fine of $400.

11819. Adulteration of black walnut kernels. U. S. v. George F. Block (Block Bros.). Plea of nolo contendere. Fine, $200. (F. D. C. No. 20442. Sample Nos. 14263–H, 18292–H, 25012–H, 52621–H.)

INDICTMENT RETURNED: July 24, 1946, Middle District of Tennessee, against George F. Block, trading as Block Bros., Nashville, Tenn.

ALLEGED SHIPMENT: Between the approximate dates of December 3 and December 14, 1945, from the State of Tennessee into the States of Ohio, Iowa, Louisiana, and Indiana.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of rodent hair fragments, insect fragments, and an organism indicating pollution of fecal origin, *Escherichia coli.*

DISPOSITION: October 9, 1946. The defendant having entered a plea of nolo contendere, the court imposed a fine of $50 on each count, a total fine of $200.

11820. Adulteration of Kernel Krush peanut spread. U. S. v. Mosemann Co. and Paul F. Mosemann. Pleas of nolo contendere. Partnership fined $25; individual defendant fined $1. (F. D. C. No. 21497. Sample Nos. 15862–H, 15863–H, 63318–H.)

LIBEL FILED: December 17, 1946, Eastern District of Pennsylvania, against the Mosemann Co., a partnership, Lancaster, Pa., and Paul F. Mosemann, a partner.

ALLEGED SHIPMENT: On or about February 12, 1945, and February 28, 1946, from the State of Pennsylvania into the States of Michigan and New York.

LABEL, IN PART: "Kernel Krush The New Peanut Spread * * * Mosemann Company" or "Kernel Krush Sweet Life Distributed by Sweet Life Food Corporation Brooklyn, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of dirt, and it was otherwise unfit for food by reason of the presence of stones or stems, or both.

DISPOSITION: February 17, 1947. Pleas of nolo contendere having been entered on behalf of both defendants, the court imposed fines of $25 against the partnership and $1 against the individual.

11821. Adulteration of peanut butter. U. S. v. The Geo. E. Pellens Co. Plea of guilty. Fine, $300. (F. D. C. No. 20968. Sample No. 53305–H.)

INFORMATION FILED: November 7, 1946, Southern District of Ohio, against the Geo. E. Pellens Co., a corporation, Cincinnati, Ohio.

ALLEGED SHIPMENT: On or about May 17, 1946, from the State of Ohio into the State of Kentucky.

LABEL, IN PART: "Rayo Peanut Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments and rodent excreta fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 13, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $300.

OILS AND FATS*

11822. Adulteration and misbranding of olive oil. U. S. v. Frank Scappatura. Plea of nolo contendere. Defendant fined $1,000 and placed on probation for 1 year. (F. D. C. No. 21443. Sample No. 59298–H.)

INFORMATION FILED: January 29, 1947, Northern District of California, against Frank Scappatura, San Francisco, Calif.

ALLEGED SHIPMENT: On or about April 20, 1946, from the State of California into the State of Oregon.

LABEL, IN PART: "Frank Scappatura * * * Olive Oil To Tony Gatto * * * Portland, Oregon."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), cottonseed oil had been substituted in whole or in part for olive oil, which the article was represented to be.

Misbranding, Section 403 (a), the label statement "Olive Oil" was false and misleading.

DISPOSITION: March 31, 1947. The defendant having entered a plea of nolo contendere, the court imposed a fine of $1,000 and placed him on probation for a period of 1 year.

11823. Adulteration of wine dressing. U. S. v. 16 Cases * * *. (F. D. C. No. 20034. Sample No. 70440–H.)

LIBEL FILED: On or about June 12, 1946, Western District of Missouri.

ALLEGED SHIPMENT: On or about April 20, 1946, by the Barra Co., from Los Angeles, Calif.

PRODUCT: 16 cases, each containing 24 1-pint bottles, of wine dressing at Kansas City, Mo. Examination showed that the product was undergoing fermentation.

LABEL, IN PART: "Barra's Burgundy Wine Dressing."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: August 15, 1946. Default decree of destruction.

11824. Adulteration and misbranding of lard. U. S. v. 4 Barrels, etc. (F. D. C. No. 20764. Sample No. 1665–H.)

LIBEL FILED: August 27, 1946, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about July 19, 1946, by Rosario Faraome, of St. Clair, Pa., from Shamokin, Pa.

PRODUCT: 4 400-pound barrels and 143 50-pound cans of lard at Raleigh, N. C.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of lard and beef tallow had been substituted in whole or in part for lard, which the article was represented to be.

Misbranding, Section 403 (b), the article was a mixture of lard and tallow and was offered for sale as lard; Section 403 (e) (1), it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents in terms of weight or measure; and, Section 403 (i) (2), it was fabricated from two or more ingredients, lard

*See also No. 11825.

and tallow, and failed to bear a label stating the common or usual name of each ingredient.

DISPOSITION: November 27, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold for use as salvage fat for the manufacture of soap.

SPICES, FLAVORS, AND SEASONING MATERIALS

11825. Adulteration and misbranding of popcorn seasoning. U. S. v. Suzanne Processed Oil Co., a corporation, and David Kaiser. Pleas of guilty. Corporation fined $200; individual fined $50. (F. D. C. No. 21431. Sample Nos. 6180–H, 6521–H, 12053–H.)

INFORMATION FILED: February 18, 1947, District of Massachusetts, against the Suzanne Processed Oil Co., Boston, Mass., and David Kaiser, treasurer and clerk of the firm.

ALLEGED SHIPMENT: On or about August 7 and September 11 and 13, 1945, from the State of Massachusetts into the States of Pennsylvania, New York, and Rhode Island.

LABEL, IN PART: "Flow Brand Pop Corn Seasoning * * * Contains 100% Soya Bean Oil."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, soya bean oil, had been in part omitted; Section 402 (b) (2), a substance consisting essentially of artifically flavored and colored nonnutritive mineral oil had been substituted in part for popcorn seasoning containing soya bean oil; and, Section 402 (b) (4), mineral oil, having no food value, had been added to the product and mixed and packed with it so as to reduce its quality. Further adulteration, Section 402 (b) (4), artificial color had been added to the product so as to make it appear to be an edible oil.

Misbranding, Section 403 (a), the label statement "Contains 100% Soya Bean Oil Artifically Flavored * * * Artificially Colored" was false and misleading.

DISPOSITION: November 12, 1947. Pleas of guilty having been entered on behalf of the defendants, the corporation was fined $200 and the individual $50.

11826. Adulteration and misbranding of soluble garlic flavoring. U. S. v. 5 Drums * * *. (F. D. C. No. 21209. Sample Nos. 42781–H, 42945–H.)

LIBEL FILED: September 30, 1946, District of Maryland.

ALLEGED SHIPMENT: On or about July 25, 1946, by Basic Food Materials, Inc., from Cleveland, Ohio.

PRODUCT: 5 400-pound drums of soluble garlic flavoring at Chestertown, Md.

LABEL, IN PART: "Basic Food Materials B. F. M. Soluble Garlic Flavoring."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance containing asafoetida had been substituted in whole or in part for soluble garlic flavoring.

Misbranding, Section 403 (a), the label statements "Soluble Garlic Flavoring" and "One Ounce of This Material is the Approximate Equivalent of Ten Ounces of Fresh Garlic" were false and misleading as applied to a product which contained asafoetida.

DISPOSITION: November 12, 1946. Basic Food Materials, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

11827. Adulteration and misbranding of soluble onion flavoring. U. S. v. 3 Drums * * *. (F. D. C. No. 22183. Sample No. 55208–H.)

LIBEL FILED: January 14, 1947, Western District of South Carolina.

ALLEGED SHIPMENT: On or about November 12, 1946, by Basic Food Materials, Inc., from Cleveland, Ohio.

PRODUCT: 3 25-pound drums of soluble onion flavoring at Greenville, S. C.

LABEL, IN PART: "Basic Food Materials B. F. M. Soluble Onion Flavoring."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance containing asafoetida had been substituted in whole or in part for soluble onion flavoring.

Misbranding, Section 403 (a), the label statements "Soluble Onion Flavoring * * * One ounce of this product is the approximate equivalent of ten ounces of fresh onions" were false and misleading.

DISPOSITION: February 21, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11828. Adulteration of paprika. U. S. v. 36 Cartons * * *. (F. D. C. No. 19683. Sample No. 65306–H.)

LIBEL FILED: On or about April 25, 1946, District of New Jersey.

ALLEGED SHIPMPNT: On or about July 9, 1945, by Schoenfeld's & Sons, from New York, N. Y.

PRODUCT: 36 1-pound cartons of paprika at Atlantic City, N. J.

LABEL, IN PART: "Sunred Spices Pure Paprika."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: May 24, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11829. Adulteration of black pepper. U. S. v. 175 Cards * * *. (F. D. C. No. 21406. Sample No. 40519–H.)

LIBEL FILED: November 4, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 12, 1946, by T. A. Ginsberg, from Keokuk, Iowa.

PRODUCT: 175 cards, each containing 24 ¾-ounce packages, of black pepper at St. Louis, Mo.

LABEL, IN PART: "Damore Brand Pure Black Pepper Damore Spice Company Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance consisting essentially of ground wheat, buckwheat, cottonseed, and soybean hulls had been substituted in whole or in part for black pepper.

Misbranding, Section 403 (a), the label statement "Pure Black Pepper" was false and misleading as applied to a product which consisted of the stated ingredients and which contained no black pepper.

DISPOSITION: December 9, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

11830. Adulteration and misbranding of black pepper. U. S. v. 15 Cards * * *. (F. D. C. No. 20906. Sample No. 40392–H.)

LIBEL FILED: September 19, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 1, 1946, by T. A. Ginsberg, from Keokuk, Iowa.

PRODUCT: 15 cards, each containing 24 ¾-ounce packages, of black pepper at St. Louis, Mo.

LABEL, IN PART: "Pure Black Pepper * * * Packed by Damore Spice Co. Chicago, Illinois."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of pepper and starch material had been substituted in whole or in part for black pepper; and, Section 402 (b) (4), starch material had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (a), the label statement "Pure Black Pepper" was false and misleading.

DISPOSITION: October 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

11831. Adulteration and misbranding of black pepper. U. S. v. 332 Cards * * *. (F. D. C. No. 21411. Sample No. 35757–H.)

LIBEL FILED: November 4, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 21, 1946, by the Wetterau Grocery Co., from Gillespie, Ill.

PRODUCT: 332 cards, each containing 24 ¾-ounce packages, of black pepper at St. Louis, Mo.

LABEL, IN PART: "Damore Brand Pure Black Pepper Packed by Damore Spice Company Chicago Illinois."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance consisting essentially of ground soybeans, cottonseed, wheat, buckwheat, and a small amount of pepper had been substituted in whole or in part for black pepper.

Misbranding, Section 403 (a), the label statement "Pure Black Pepper" was false and misleading.

DISPOSITION: February 20, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

11832. Adulteration and misbranding of black pepper. U. S. v. 46 Cards, etc. (and 1 other seizure action). (F. D. C. Nos. 20771, 21022. Sample Nos. 1775–H, 1777–H, 1781–H.)

LIBELS FILED: On or about September 4 and 24, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about August 2, 7, and 28, 1946, by Louis Travaglini, from Philadelphia, Pa.

PRODUCT: 190 cards, each containing 12 ¾-ounce packages, of black pepper and 15 cases, each containing 24 cards of 12 ¾-ounce packages, of the same product at Atlanta, Ga.

LABEL, IN PART: "Red Star Pure Black Pepper Packed by Red Star Packing Co. * * * Brooklyn, N. Y. [or "Philadelphia, Pa."]," or "Pure Black Pepper * * * Packed by Di Rita Food Products Philadelphia, Penna."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance consisting of salt, starch, and pepper had been substituted in whole or in part for pure black pepper.

Misbranding, Section 403 (a), the designation "Pure Black Pepper" was false and misleading.

DISPOSITION: October 4 and 23, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

11833. Adulteration and misbranding of black pepper. U. S. v. 1,200 Cards * * *. (F. D. C. No. 20985. Sample No. 54237–H.)

LIBEL FILED: September 17, 1946, Southern District of Florida.

ALLEGED SHIPMENT: On or about August 13, 1946, by the Globe Food Co., from Atlanta, Ga.

PRODUCT: 1,200 cards, each containing 12 ¾-ounce packages, of black pepper at Miami, Fla.

LABEL, IN PART: "Pure Black Pepper * * * Packed by Di Rita Food Products Philadelphia, Penna."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance consisting of salt, ground shells, starch material, and pepper had been substituted for pure black pepper, which the product was represented to be.

Misbranding, Section 403 (a), the label statement "Pure Black Pepper" was false and misleading.

DISPOSITION: November 18, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

11834. Adulteration and misbranding of black pepper. U. S. v. 48 Cards * * * (and 4 other seizure actions). (F. D. C. Nos. 20772, 20988, 20990 to 20992, incl. Sample Nos. 4980–H, 4982–H to 4985–H, incl.)

LIBELS FILED: Between the approximate dates of September 5 and 19, 1946, Districts of New Jersey and Delaware.

ALLEGED SHIPMENT: Between the approximate dates of August 8 and 20, 1946, by Penn Food Distributors, from Philadelphia, Pa.

PRODUCT: 212 cards total, each containing 12 ¾-ounce envelopes, of black pepper at Vineland, Westville, Mt. Ephraim, and Audubon, N. J., and Wilmington, Del.

LABEL, IN PART: (Cards) "Di Rita's Pure Black Pepper"; (envelopes) "Pure Black Pepper * * * Packed by Di Rita Food Products Philadelphia, Penna."

NATURE OF CHARGE: Adulteration (all lots), Section 402 (b) (2), a substance consisting of salt, ground shells, starch material, and pepper had been substituted in whole or in part for pure black pepper.

Misbranding (all lots except one), Section 403 (a), the designation "Pure Black Pepper" was false and misleading as applied to a mixture of salt, ground shells, starch material, and pepper.

DISPOSITION: October 7, 11, and 18, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

11835. Adulteration and misbranding of black pepper. U. S. v. 110 Cards * * *. (F. D. C. No. 22298. Sample No. 65668–H.)

LIBEL FILED: On or about February 26, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about July 12, 1946, by Charles DiGerolamo, from Philadelphia, Pa.

PRODUCT: 110 cards, each containing 12 ¾-ounce packages, of black pepper at Somers Point, N. J.

LABEL, IN PART: "Santo Pure Black Pepper Packed by Santo Food Products Phila., Pa."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of salt, buckwheat hulls, a foreign starchy material, and ground pepper had been substituted in whole or in part for pure black pepper.

Misbranding, Section 403 (a), the label designation "Pure Black Pepper" was false and misleading.

DISPOSITION: March 28, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11836. Adulteration and misbranding of black pepper. U. S. v. 94 Cards * * *. (F. D. C. No. 21009. Sample No. 57418–H.)

LIBEL FILED: September 20, 1946, District of Rhode Island.

ALLEGED SHIPMENT: On or about August 20, 1946, by Emsco Food Products, from Boston, Mass.

PRODUCT: 94 cards, each containing 12 ¾-ounce bags, of black pepper at Providence, R. I.

LABEL, IN PART: "Emsco Brand Black Pepper."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance consisting of salt, starch, and pepper had been substituted in whole or in part for black pepper.

Misbranding, Section 403 (a), the label designation "Black Pepper" was false and misleading.

DISPOSITION: November 7, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11837. Adulteration and misbranding of black pepper. U. S. v. 37 Cards * * * (and 2 other seizure actions). F. D. C. Nos. 21208, 21221, 21251. Sample Nos. 1782–H, 1784–H, 54571–H.)

LIBELS FILED: October 3, 16, and 24, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about August 23 and 27 and September 11, 1946, by the Gee Zee Food Products Co., from Chicago, Ill.

PRODUCT: 167 cards, each containing 24 1-ounce packages, of black pepper at Atlanta, Ga.

LABEL, IN PART: "Gee! Zee Finest Black Pepper."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance consisting of starches, containing little, if any, pepper, had been substituted in whole or in part for black pepper.

Misbranding, Section 403 (a), the designation "Black Pepper" was false and misleading.

DISPOSITION: October 30 and December 10, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

11838. Misbranding of black pepper. U. S. v. 10 Cases * * *. (F. D. C. No. 22285. Sample No. 91043–H.)

LIBEL FILED: February 14, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about December 11, 1946, by the Food Trading Corp. of America, from Brooklyn, N. Y.

PRODUCT: 10 cases, each containing 144 bottles, of black pepper at Newark, N. J. Examination showed that the product was short-weight.

LABEL, IN PART: "Pure Black Pepper Cont. ¾ oz. Dist. by B. F. S. Inc. Bklyn., N. Y."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 24, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable organizations.

11839. Misbranding of black pepper. U. S. v. 96 Cards * * *. (F. D. C. No. 22173. Sample No. 66023–H.)

LIBEL FILED: On or about January 17, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about November 27, 1946, by the DeCecco's Food Products Co., from Philadelphia, Pa.

PRODUCT: 96 cards, each containing 12 ½-ounce bags, of black pepper at Atlantic City, N. J. Examination showed that the product was short-weight.

LABEL, IN PART: "Pure Black Pepper ½ Oz. Net Wt."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "½ Oz. Net Wt." was false and misleading.

DISPOSITION: February 7, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution after the destruction of the labels.

11840. Adulteration of dried red peppers. U. S. v. 16 Bags * * *. (F. D. C. No. 20622. Sample No. 49687–H.)

LIBEL FILED: August 9, 1946, Southern District of Texas.

ALLEGED SHIPMENT: On or about October 30, 1945, by the C. B. Gentry Co., from Oxnard, Calif.

PRODUCT: 16 bags, each containing 200 pounds, of whole dried red peppers at Houston, Tex.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect excreta.

DISPOSITION: October 14, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS FOODS

11841. Adulteration of horehound. U. S. v. 1 Bale * * *. (F. D. C. No. 20224. Sample No. 12646–H.)

LIBEL FILED: June 7, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about November 3, 1945, by the Tenneva Hide & Fur Co., Bristol, Tenn.

PRODUCT: 1 202-pound bale of horehound at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs.

DISPOSITION: July 16, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11842. Misbranding of frozen hors d'oeuvres. U. S. v. 19 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 20581, 20711. Sample Nos. 5538–H, 57079–H.)

LIBELS FILED: August 2 and 9, 1946, District of Massachusetts and Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 7 and 18, 1946, by the General Froster Co., Inc., from Plainfield, N. J., and New York, N. Y.

PRODUCT: 19 cases, each containing 42 8-ounce cartons, and 144 8-ounce cartons of frozen hors d'oeuvres at Boston, Mass., and Philadelphia, Pa. The product consisted of bread, with layers of cheese, egg, meat, or fish between the pieces

of bread. The bread was not declared in the list of ingredients on the label. Samples from the 2 shipments were found to average 14.5 percent and 22.9 percent short-weight, and one lot contained undeclared coal-tar color.

LABEL, IN PART: "Quick Frozen General Frost Brand Hors D'Oeuvres Cheese, Meat, Fish, Olives, Pickle, Pepper, Chives, Onion, Mustard, Milk, Flour, Lemon Juice, and Seasoning * * * Net Weight 8 Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents; Section 403 (i) (2), it failed to bear the common or usual name of each ingredient, since bread was not declared; and (Philadelphia lot), Section 403 (k), the article contained artificial coloring, and the label failed to state that fact.

DISPOSITION: On August 27, 1946, the General Froster Co., Inc., claimant for the Boston lot, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

On September 4, 1946, no claimant for the Philadelphia lot having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11843. Misbranding of frozen oyster stew. U. S. v. 200 Cases * * *. (F. D. C. No. 21414. Sample No. 81504–H.)

LIBEL FILED: On or about December 11, 1946, District of Oregon.

ALLEGED SHIPMENT: On or about January 10, 1946, by the Paragon Packing Co., from Hoquiam, Wash.

PRODUCT: 200 cases, each containing 24 packages, of frozen oyster stew at Portland, Oreg. Examination showed that the product was short-weight.

LABEL, IN PART: "Paragon Quick Frozen Oyster Stew, net weight 1 lb."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents.

DISPOSITION: December 11, 1946. Gard Distributors, Inc., Portland, Oreg., and the Fidelity and Deposit Company of Maryland, claimants, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be repackaged and labeled in compliance with the law, under the supervision of the Food and Drug Administration.

11844. Misbranding of pudding dessert powder. U. S. v. 150 Cases * * *. (F. D. C. No. 20254. Sample Nos. 43945–H, 43946–H.)

LIBEL FILED: June 19, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about May 18, 1946, by the F. W. Boltz Corp., from Los Angeles, Calif.

PRODUCT: 150 cases, each containing 6 16-pound cans, of pudding dessert powder at New York, N. Y.

LABEL, IN PART: "Pickwick Brand Pudding Butterscotch [or "Vanilla"] Flavor."

NATURE OF CHARGE: Misbranding, Section 403 (a), the design of two shields and the words "Packed under continuous inspection of the U. S. Department of Agriculture," which appeared on the can labels, were false and misleading as applied to articles which were not packed under continuous inspection of the U. S. Department of Agriculture.

DISPOSITION: September 19, 1946. The Embassy Grocery Corp., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES*

11845. Adulteration and misbranding of Cereal Lactic. U. S. v. Cereal Lactic Co., Inc., and LeRoy V. Porter, M. D., and Edward R. Hurlock. Pleas of guilty. Total fine $200 and costs. (F. D. C. No. 21451. Sample No. 52718–H.)

INFORMATION FILED: February 17, 1947, Southern District of Iowa, against the

*See also No. 11754.

Cereal Lactic Co., Inc., Woodward, Iowa, and LeRoy V. Porter, M. D., vice president, and Edward R. Hurlock, secretary-treasurer.

ALLEGED SHIPMENT: On or about January 4, 1946, from the State of Iowa into the State of Ohio.

LABEL, IN PART: "Cereal Lactic Improved Vitamin."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B_2 (G), had been in part omitted and abstracted from the article.

Misbranding, Section 403 (a), the label statements, "4 level teaspoonsful (0.4 Oz.) contain the following: * * * Vitamin B_2 (G), 150 Sherman-Bourquin units * * * 4 level teaspoonsful (0.4 Oz.) supplies the following as compared to the adult minimum daily requirements * * * Vitamin B_2 (G), 0.2 times," were false and misleading since 4 level teaspoonsful (0.4 Oz.) of the article contained less than 150 Sherman-Bourquin units of vitamin B_2 (G) and would supply less than 0.2 times the adult minimum daily requirement for vitamin B_2 (G).

DISPOSITION: April 28, 1947. Pleas of guilty having been entered by the three defendants, the court imposed fines totaling $200, plus costs.

11846. Adulteration and misbranding of Sol-A-Min. U. S. v. Albert Hassman (Universal Products Co.). Motion for dismissal of the indictment denied. Plea of guilty. Fine, $200 and costs. (F. D. C. No. 14286. Sample No. 50262–F.)

INDICTMENT RETURNED: February 13, 1945, Northern District of Ohio, against Albert Hassman, trading as the Universal Products Co., Cleveland, Ohio.

ALLEGED SHIPMENT: On or about December 31, 1943, from the State of Ohio into the State of Pennsylvania.

PRODUCT: Analysis disclosed that the product consisted of organic material and small amounts of compounds containing calcium, phosphorus, iron, and iodine. The product contained less vitamin C and less calcium than declared on the label.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), and misbranding, Section 403 (a).

The adulteration and misbranding charges were substantially the same as those reported in notices of judgment on foods, No. 11299, involving another shipment of Sol-A-Min, with the exception that the shipments reported herein were not deficient in vitamin B and iron, but were deficient in vitamin C and calcium.

DISPOSITION: March 31, 1947. The defendant's motion for the dismissal of the indictment having been denied, a plea of guilty was entered and the court imposed a fine of $200, plus costs.

11847. Adulteration and misbranding of Calbrite Calcium-Phosphorus Tablets and misbranding of Bextra Vitamin B_1 Tablets, Hi-Plex Vitamin B Complex Tablets, Organic Iron Tablets, and Ritamine Vitamin and Mineral Capsules. U. S. v. 354 Bottles, etc. (and a quantity of booklets, leaflets, and placards). (F. D. C. No. 21013. Sample Nos. 59448–H to 59450–H, incl., 59452–H to 59454–H, incl.)

LIBEL FILED: October 15, 1946, Western District of Washington.

ALLEGED SHIPMENT: Between the approximate dates of November 14, 1945, and June 25, 1946, by the American Dietaids Co., from Los Angeles, Calif., and Yonkers, N. Y.

NATURE OF CHARGE: Calbrite Calcium-Phosphorus Tablets. Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted from the article. Misbranding, Section 403 (a), the label statements "Each Calbrite tablet supplies * * * 150 U. S. P. Units Vitamin D" and "6 Calbrite tablets supply * * * Vitamin D 900 U. S. P. Units" were false and misleading as applied to the article, since it would not supply the stated amount of vitamin D.

Bextra Vitamin B_1 Tablets. Misbranding, Section 403 (f), the declaration of the proportion of the minimum daily requirement for adults of vitamin B_1 was not prominently placed on the label with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since the statement appeared upon the side panel and not upon the principal display panel of the label.

All products. Misbranding, Section 403 (a), they were alleged to be further misbranded because of misleading representations appearing in their labeling. These representations were alleged to be misleading because the articles would not be capable of fulfilling the promises of benefit stated and implied. The nature of the misleading representations and extracts from the labels are reported in notices of judgment on drugs and devices, No. 2224.

DISPOSITION: December 31, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

11848. Adulteration of Cal-Par. U. S. v. 17 Packages * * *. (F. D. C. No. 19993. Sample No. 6514–H.)

LIBEL FILED: June 5, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about February 24, 1946, by the Hood Products Corp., also known as the Cal-Par Corp., from New York, N. Y.

PRODUCT: 17 1-pound packages of Cal-Par at Jersey City, N. J.

LABEL, IN PART: "Cal-Par Calcium-Phosphorus-Iron and Vitamins B_1–D."

NATURE OF CHARGE: Adulteration. Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

The libel alleged also that another product known as Hood-Lax was adulterated under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2013.

DISPOSITION: October 28, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11849. Misbranding of Neo-Enzymes Plain and Neo-Enzymes With Laxative. U. S. v. B. Sanders Wilson (Wilco Laboratories). Plea of guilty. Fine, $200 and costs. (F. D. C. No. 20120. Sample Nos. 28399–H, 28400–H.)

INFORMATION FILED: August 28, 1946, Northern District of Illinois, against B. Sanders Wilson, trading as Wilco Laboratories, Chicago, Ill.

ALLEGED SHIPMENT: On or about March 30, 1945, from the State of Illinois into the State of Washington.

LABEL, IN PART: "Neo-Enzymes Plain A Nutritional Supplement," or "Neo-Enzymes With Laxative An Aid In Digesting Starch, Fats and Proteins Waste Eliminant."

NATURE OF CHARGE: Misbranding, Section 403 (j), the article purported to be, and was represented, for special dietary uses by man by reason of its vitamin properties in respect of the factors of the B-Complex; and its label did not bear, as required by regulations, a statement of the proportion of the minimum daily requirements for vitamin B_1 and vitamin B_2 which would be supplied by the article when consumed in a specified quantity during a period of one day, and it did not bear, as required by the regulations, a statement of the quantity of niacin in a specified quantity of the article.

The information contained 4 counts, 2 counts charging violation of the law under the provisions of the act relating to foods, and 2 counts charging misbranding under the provisions of the act applicable to drugs. The latter are reported in notices of judgment on drugs and devices, No. 2119.

DISPOSITION: January 9, 1947. The defendant having entered a plea of guilty, the court imposed a fine of $200 on each count. On January 16, 1947, the fine was reduced to $100 on each count.

11850. Misbranding of Boncquet Tablets. U. S. v. 22 Bottles, etc. (F. D. C. No. 19735. Sample No. 23395–H.)

LIBEL FILED: May 1, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 16, 1946, by Boncquet Laboratories, from Glendale, Calif.

PRODUCT: 22 75-tablet bottles and 9 200-tablet bottles of Boncquet Tablets, and a number of circulars entitled "Good News for Tired, Head-Achy Run-Down Men and Women."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements and designs in the labeling were false and misleading.

It was alleged also that the article was a drug and that it was misbranded within the meaning of Section 502 (a), as reported in notices of judgment on drugs and devices, No. 2180, in which is set forth the nature of the false and misleading claims.

DISPOSITION: June 6, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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[2] (11723) Seizure contested. Contains opinion of the court.

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[2] (11723) Seizure contested. Contains opinion of the court.

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FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

11851–12000

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

OSCAR R. EWING, *Administrator, Federal Security Agency.*

WASHINGTON, D. C., *March 24, 1948.*

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BEVERAGES AND BEVERAGE MATERIALS

11851. Adulteration of beer and ale. U. S. v. 915 Cases, etc. (and 4 other seizure actions). (F. D. C. Nos. 21651, 21705, 21712, 21742, 21743. Sample Nos. 38732–H, 38733–H, 38892–H to 38896–H, incl., 51476–H, 51477–H, 54722–H, 67704–H to 67706–H, incl.)

LIBELS FILED: November 19, 21, and 22, 1946, Northern District of Georgia, Western District of Missouri, Northern District of Indiana, and Eastern and Western Districts of Wisconsin.

ALLEGED SHIPMENT: Between the approximate dates of September 24 and November 1, 1946, by the Keeley Brewing Co., Chicago, Ill.

PRODUCT: Beer and ale. 2,318 cases, each containing 24 12-ounce bottles, and 287 cases, each containing 12 1-quart bottles, and 49 one-half kegs, in various lots, at Atlanta, Ga.; Kansas City, Mo.; Gary, Ind.; and Racine and Beloit, Wis.

LABEL, IN PART: "Ye Olde Inn Ale Keeley's Old Country Process," "Keeley Just Right Half and Half A Blend of Beer and Ale," or "Chicago's Premium Beer Keeley Half and Half Draught Beer A Blend of Beer and Ale."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, monochloracetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and could have been avoided by good manufacturing practice.

783633—48——1

DISPOSITION: December 10, 1946, and February 27, 1947. The Keeley Brewing Co. having appeared as a claimant for the Kansas City and Gary lots, judgments of condemnation were entered and the product was ordered released under bond for destruction of the contents and salvage of the bottles and cases. No claimant having appeared for the remaining lots, judgments of condemnation were entered and the product was ordered destroyed.

11852. Adulteration of beer. U. S. v. 399 Cases * * *. (F. D. C. No. 21871. Sample No. 49857–H.)

LIBEL FILED: January 4, 1947, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about September 18, 1946, by David Rott, trading as the Ph. Kling Brewing Co., from Flint, Mich.

PRODUCT: 399 cases, each containing 24 12-ounce bottles, of beer at Gulfport, Miss.

LABEL, IN PART: "Premier Perfect Blend Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of being sour.

DISPOSITION: February 28, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. It was ordered further that the containers of the product be delivered to the claimant, should one appear and file bond in 10 days after the date of the decree, conditioned that the beer be poured out, under the supervision of the Food and Drug Administration.

11853. Adulteration of frozen orange juice. U. S. v. 568 Cases * * *. (F. D. C. No. 21620. Sample No. 64564–H.)

LIBEL FILED: November 7, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about May 29, 1945, by the Florida Fruit Products Co., from Lakeland, Fla.

PRODUCT: 568 cases, each containing 12 27-fluid-ounce cans, of frozen orange juice at New York, N. Y. Examination showed that the article was fermented.

LABEL, IN PART: "Purest Brand Pure Frozen Orange Juice Condensed * * * Distributed by Knight & Middleton, Inc. Clearwater, Florida."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 20, 1946. The Florida Fruit Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be used solely in the manufacture of stock feed, under the supervision of the Food and Drug Administration.

11854. Misbranding of prune juice. U. S. v. 154 Cases * * *. (F. D. C. No. 21682. Sample No. 1494–H.)

LIBEL FILED: November 27, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about September 27, 1946, by the Wheatley Mayonnaise Co., Inc., from Jacksonville, Fla.

PRODUCT: 154 cases, each containing 12 1-quart bottles, of prune juice at Atlanta, Ga.

LABEL, IN PART: "Lady Betty Prune Juice."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "The Drink for Health Enriched with Dextrose Contains Vitamin A, B_1, B_2 Rich in Carbohydrates, Calcium, Iron" was misleading since the product provided nutritionally inconsequential amounts of vitamins A, B_1, and B_2, and iron, calcium, carbohydrates, and dextrose, and would not be effective in promoting health.

DISPOSITION: September 10, 1947. The Wheatley Mayonnaise Co., Inc., Louisville, Ky., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

11855. Adulteration of bread and rolls. U. S. v. Klosterman's French Baking Co. and Bernard Frank Klosterman. Pleas of guilty. Total fine $450. (F. D. C. No. 22055. Sample Nos. 72916–H, 72917–H, 72919–H.)

INFORMATION FILED: April 21, 1947, Southern District of Ohio, against Klosterman's French Baking Co., a partnership, Cincinnati, Ohio, and Bernard Frank Klosterman, a partner.

ALLEGED SHIPMENT: On or about December 11, 1946, from the State of Ohio into the State of Kentucky.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: July 2, 1947. Pleas of guilty having been entered, each defendant was fined $225.

11856. Adulteration of bread. U. S. v. 9 Cases * * *. (F. D. C. No. 23020. Sample No. 75336–H.)

LIBEL FILED: May 12, 1947, Northern District of California.

ALLEGED SHIPMENT: On or about April 8, 1947, by H. Osmundson, from Minneapolis, Minn.

PRODUCT: 9 cases, each containing 24 13-ounce loaves, of bread at San Francisco, Calif.

LABEL, IN PART: "The Norwegian Style Lefse or Flat Bread."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, insects, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 11, 1947. Default decree of condemnation and destruction.

11857. Adulteration of fruit cake. U. S. v. Habib's, Inc. Plea of nolo contendere. Fine of $500 on one count. Imposition of sentence suspended on remaining counts and defendant placed on 2 years' probation. (F. D. C. No. 22045. Sample Nos. 40136–H, 40570–H, 40571–H, 50133–H, 50330–H, 69908–H.)

INFORMATION FILED: April 24, 1947, Eastern District of Arkansas, against Habib's, Inc., Helena, Ark.

ALLEGED SHIPMENT: Between the approximate dates of October 6 and November 11, 1946, from the State of Arkansas into the States of Tennessee, Texas, Illinois, and Louisiana.

LABEL, IN PART: "Habib's Fruit Cake."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, insect excreta, a rodent excreta pellet, cat hair fragments, and a human hair; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 2, 1947. A plea of nolo contendere having been entered on behalf of the defendant, a fine of $500 was imposed on count 1, imposition of sentence was suspended on the remaining counts, and the defendant was placed on 2 years' probation.

11858. Adulteration of fruit cake. U. S. v. 136 Cases * * *. (F. D. C. No. 21879. Sample No. 69908–H.)

LIBEL FILED: January 6, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: Between the approximate dates of October 6 and 31, 1946, by Habib's, Inc., from Helena, Ark.

PRODUCT: 136 cases each containing 12 2-pound fruit cakes at Chicago, Ill.

LABEL, IN PART: "Habib's Fruit Cake."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and insect excreta; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 20, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

11859. Misbranding of fruit cake. U. S. v. Continental Baking Company. Plea of nolo contendere. Fine, $800. (F. D. C. No. 22062. Sample Nos. 48062–H, 48789–H to 48791–H, incl.)

INFORMATION FILED: May 2, 1947, District of Colorado, against the Continental Baking Co., a corporation, Denver, Colo.

ALLEGED SHIPMENT: On or about November 21 and December 3, 1946, from the State of Colorado into the States of Nebraska, Wyoming, and New Mexico.

LABEL, IN PART: "Net Wt. 2 lbs. 5 oz. Ye Olde Fruit Cake * * * Distributed by F. W. Woolworth Co., N. Y.," or "Barbara Jane Fruit Cake * * * Net Wt. 5 lbs. Distributed by Sears Roebuck and Co., Chicago, Ill."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents, in that the cartons containing the article contained less than the amount declared on the label.

DISPOSITION: June 3, 1947. A plea of nolo contendere having been entered, the court imposed a fine against the corporation of $200 on each of the 4 counts of the information.

11860. Adulteration of pies. U. S. v. Anthony Verreos (New Blue Ribbon Pie Co.). Plea of nolo contendere. Sentence suspended and individual placed on probation for 2 years. (F. D. C. No. 22059. Sample Nos. 40575–H, 40577–H to 40579–H, incl.)

INFORMATION FILED: April 24, 1947, Eastern District of Missouri, against Anthony Verreos, trading as the New Blue Ribbon Pie Co., St. Louis, Mo.

ALLEGED SHIPMENT: On or about December 11, 1946, from the State of Missouri into the State of Illinois.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, insect fragments, mites, rodent hairs, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 22, 1947. A plea of nolo contendere having been entered, the court suspended the imposition of sentence and placed the defendant on probation for 2 years, conditioned that he immediately discontinue his pie business.

CORN MEAL*

11861. Adulteration of corn meal. U. S. v. Burnside Milling Company, Oscar W. Robinson, and John O. Robinson. Pleas of nolo contendere. Fine of $1,500 and costs against the company. Sentences of 3 months in jail against Oscar W. Robinson and of 30 days in jail against John O. Robinson were suspended, and each individual was placed on probation for 3 years. (F. D. C. No. 22021. Sample Nos. 53445–H, 53446–H, 53452–H.)

INFORMATION FILED: March 20, 1947, Eastern District of Kentucky, against the Burnside Milling Co., a partnership, Burnside, Ky., and Oscar W. Robinson and John O. Robinson, partners.

ALLEGED SHIPMENT: On or about September 11 and 20, 1946, from the State of Kentucky into the State of Tennessee.

LABEL, IN PART: "Hearty Heart Fresh Ground Bolted Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent excreta fragments, rodent hair fragments, insects, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

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*See also No. 11868.

DISPOSITION: June 9, 1947. Pleas of nolo contendere having been entered, the court imposed a fine of $500 and costs on each of the 3 counts of the information against the partnership. Sentences of 3 months in jail against Oscar W. Robinson and of 30 days in jail against John O. Robinson were suspended, and the individuals were placed on probation for 3 years.

11862. Adulteration of corn meal. U. S. v. Henry Stanley White (Cadiz Milling Co.). Plea of guilty. Fine, $750 and costs. (F. D. C. No. 22049. Sample Nos. 53527–H, 53550–H, 53552–H.)

INFORMATION FILED: April 14, 1947, Western District of Kentucky, against Henry Stanley White, trading as the Cadiz Milling Co., Cadiz, Ky.

ALLEGED SHIPMENT: On or about September 17 and October 26, 1946, from the State of Kentucky into the State of Tennessee.

LABEL, IN PART: "Cream Meal Water Ground Cadiz, Ky."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, insect fragments, rodent excreta, rodent hair fragments, and sand.

DISPOSITION: April 21, 1947. A plea of guilty having been entered by the defendant, the court imposed a fine of $250 on each of the 3 counts, a total fine of $750, plus costs.

11863. Adulteration of corn meal. U. S. v. Pan American Mills. Plea of nolo contendere. Fine, $450 and costs. (F. D. C. No. 22047. Sample Nos. 53530–H to 53532–H, incl.)

INFORMATION FILED: April 14, 1947, Western District of Kentucky, against Pan American Mills, a corporation, Bowling Green, Ky.

ALLEGED SHIPMENT: On or about September 6 and October 2 and 4, 1946, from the State of Kentucky into the State of Tennessee.

LABEL, IN PART: "Pan American Mills Jersey Cream Meal Bolted Highest Grade."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent excreta.

DISPOSITION: May 20, 1947. A plea of nolo contendere having been entered on behalf of the corporation, the court imposed a fine of $150 on each of the 3 counts, a total fine of $450, plus costs.

11864. Adulteration of corn meal. U. S. v. Virgil H. Burchett (Pembroke Roller Mills). Plea of guilty. Fine, $750 and costs. (F. D. C. No. 22008. Sample Nos. 53266–H, 53524–H, 53526–H, 53528–H.)

INFORMATION FILED: April 24, 1947, Western District of Kentucky, against Virgil H. Burchett, trading as Pembroke Roller Mills, Pembroke, Ky.

ALLEGED SHIPMENT: Between the approximate dates of July 16 and September 17, 1946, from the State of Kentucky into the State of Tennessee.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), (portion of product) it had been prepared under insanitary conditions whereby it may have been contaminated with filth.

DISPOSITION: November 6, 1947. A plea of guilty having been entered on behalf of the defendant, a fine of $750 and costs was imposed.

11865. Adulteration of corn meal. U. S. v. Shawnee Milling Co. Plea of guilty. Fine, $1,000. (F. D. C. No. 22024. Sample No. 35576–H.)

INFORMATION FILED: March 19, 1947, Western District of Oklahoma, against the Shawnee Milling Co., a corporation, Shawnee, Okla.

ALLEGED SHIPMENT: On or about August 19, 1946, from the State of Oklahoma into the State of Tennessee.

LABEL, IN PART: "Snowdrift Cream Meal Kiln Dried."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent excreta fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 28, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $1,000.

11866. Adulteration of corn meal. U. S. v. 77 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 21872, 22353, 22496. Sample Nos. 49079–H, 50328–H, 50331–H, 50337–H.)

LIBELS FILED: December 19, 1946, and January 2 and February 11, 1947, Eastern District of Louisiana and Southern District of Mississippi.

ALLEGED SHIPMENT: Between the approximate dates of November 7 and 29, 1946, by Bewley Mills, from Fort Worth, Tex.

PRODUCT: Corn meal. 2,980 bags in 2-, 5-, 10-, 25-, and 100-pound sizes, and 77 cases, each containing 25 2-pound packages, at New Orleans, La.; and 278 bales, each containing 5 10-pound packages, and 131 bales, each containing 10 5-pound packages, at Jackson, Miss.

LABEL, IN PART: "Blue Ribbon Cream Corn Meal," or "Enriched Blue Ribbon Cream Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, insects, and insect fragments.

DISPOSITION: January 28 and May 14, 1947. Bewley Mills having appeared as claimant for the Louisiana lots, and having consented to the entry of decrees, and no claimant having appeared for the Mississippi lot, judgments of condemnation were entered. The Louisiana lots were ordered released under bond for conversion into stock feed. The Mississippi lot was ordered sold, or, if no buyer could be found, donated to a charitable institution, conditioned upon the conversion of the product into hog feed.

11867. Adulteration of corn meal. U. S. v. 200 Bags * * *. (F. D. C. No. 21831. Sample No. 49133–H.)

LIBEL FILED: December 12, 1946, Northern District of Texas.

ALLEGED SHIPMENT: On or about October 19, 1946, by O. A. Cooper & Co., from Humboldt, Nebr.

PRODUCT: 200 100-pound bags of white corn meal at Hutchins, Tex.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and insects.

DISPOSITION: January 10, 1947. O. A. Cooper & Co. having appeared as claimant, the product was ordered released under bond, conditioned that it be denatured and utilized for purposes other than for human consumption, under the supervision of the Food and Drug Administration.

FLOUR*

11868. Adulteration of phosphated flour and corn meal. U. S. v. Oscar W. Robinson and Oscar W. Thompson (Pan American Mills). Pleas of nolo contendere. Fine of $150 and costs against each defendant. (F. D. C. No. 22046. Sample Nos. 52883–H to 52885–H, incl.)

INFORMATION FILED: April 8, 1947, Western District of Kentucky, against Oscar W. Robinson and Oscar W. Thompson, trading as Pan American Mills, at Bowling Green, Ky.

ALLEGED SHIPMENT: On or about May 20, 1946, from the State of Kentucky into the State of Tennessee.

LABEL, IN PART: "Phosphated Health-Build Flour," or "Pan American Mills Jersey Cream Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insect fragments, rodent hair fragments, insects, and rodent excreta; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 20, 1947. Pleas of nolo contendere having been entered, the court imposed a fine of $150 and costs against each defendant.

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*See also No. 11871.

11869. Adulteration and misbranding of enriched flour. U. S. v. 147 Bags * * *. (F. D. C. No. 21718. Sample No. 50068–H.)

LIBEL FILED: November 27, 1946, Middle District of Alabama.

ALLEGED SHIPMENT: On or about September 26, 1946, by the Hanover Star Milling Co., from Germantown, Ill.

PRODUCT: 147 10-pound bags of enriched flour at Ozark, Ala.

LABEL, IN PART: "Leonora Extra High Grade Pastry Flour Enriched * * * Bleached."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, thiamine and iron, had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard for enriched flour, since it contained less than 2.0 milligrams of thiamine and less than 13.0 milligrams of iron per pound.

DISPOSITION: January 23, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a State agency, for the use of State institutions.

11870. Adulteration and misbranding of enriched flour. U. S. v. 21 Bags * * *. (F. D. C. No. 22991. Sample No. 76850–H.)

LIBEL FILED: April 29, 1947, District of South Dakota.

ALLEGED SHIPMENT: On or about November 18 and December 17, 1946, by the Norfolk Cereal & Flour Mills Co., from Norfolk, Nebr.

PRODUCT: 21 50-pound bags of enriched flour at Plankinton, S. Dak.

LABEL, IN PART: "Bon-Ton Vitamin Enriched All Purpose Bleached Flour."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine (vitamin B_1), had been in part omitted from the article.

Misbranding, Section 403 (b) (1), the article purported to be and was represented as enriched flour, and it failed to conform to the definition and standard for enriched flour since it contained less than 2.0 milligrams of thiamine (vitamin B_1) per pound.

DISPOSITION: June 3, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

11871. Adulteration of wheat cereal and pancake flour. U. S. v. Hubbard Milling Co. Plea of nolo contendere. Fine, $100. (F. D. C. No. 22034. Sample Nos. 51390–H to 51392–H, incl.)

INFORMATION FILED: April 17, 1947, District of Minnesota, against the Hubbard Milling Co., a corporation, Mankato, Minn.

ALLEGED SHIPMENT: On or about September 3, 1946, from the State of Minnesota into the State of Wisconsin.

LABEL, IN PART: "Mother Hubbard Wheat Cereal [or "Whole Wheat Energy Cereal," or "Self-Raising Pancake Flour With Buckwheat"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: June 2, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $100.

11872. Adulteration of wheat cereal. U. S. v. 53 Cases * * *. (F. D. C. No. 21839. Sample No. 48157–H.)

LIBEL FILED: December 6, 1946, District of Utah.

ALLEGED SHIPMENT: On or about June 1 and 27 and July 9, 1946, by the Poph-Itt Cereal Co., from Denver, Colo.

PRODUCT: 53 cases, each containing 24 6-ounce packages, of toasted wheat cereal at Provo, Utah.

LABEL, IN PART: "Toasted Whiffs O-Whole Wheat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: February 14, 1947. No claimant having appeared, judgment was entered ordering that the product be destroyed by utilizing it for animal feed.

11873. Adulteration of corn bread mix. U. S. v. 7 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 21760, 21789, 21852. Sample Nos. 49848–H, 49849–H, 50220–H.)

LIBELS FILED: November 29 and on or about December 11 and 13, 1946, Southern District of Mississippi and Eastern District of Louisiana.

ALLEGED SHIPMENT: Between the approximate dates of August 9 and October 28, 1946, by the In-A-Minit Food Co., from Hutchins, Tex.

PRODUCT: Corn bread mix. 7 cases at Gulfport and 17 cases at Pascagoula, Miss., and 23 cases at Baton Rouge, La. Each case contained 24 1-pound packages of the product.

LABEL, IN PART: "Mrs. Johnson's In-A-Minit Corn Bread Mix."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, insects, beetles, and larvae; and, Section 402 (a) (4), (1 lot) it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 23 and February 21, 1947. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

11874. Adulteration of oatmeal. U. S. v. 19 Bags * * *. (F. D. C. No. 21951. Sample No. 54333–H.)

LIBEL FILED: December 5, 1946, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about October 5, 1946, by the Northern Illinois Cereal Co., from Lockport, Ill.

PRODUCT: 19 100-pound bags of oatmeal at Greensboro, N. C.

LABEL, IN PART: "Gold Medal Quick Cook Oats."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and urine.

DISPOSITION: December 11, 1946. The Jones Brothers Bakery, Inc., Greensboro, N. C., claimant, having admitted that the product was adulterated, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, for use as stock feed.

11875. Adulteration of popcorn. U. S. v. Valentine Tidswell & Sons. Plea of nolo contendere. Fine, $100 and costs. (F. D. C. No. 21562. Sample Nos. 9941–H, 60151–H, 60156–H.)

INFORMATION FILED: February 6, 1947, Northern District of Ohio, against Valentine Tidswell & Sons, a partnership, North Fairfield, Ohio.

ALLEGED SHIPMENT: Between the approximate dates of April 15 and June 6, 1946, from the State of Ohio into the States of Pennsylvania and New York.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hair fragments.

DISPOSITION: March 7, 1947. A plea of nolo contendere having been entered, the court imposed a fine of $100, plus costs.

11876. Adulteration of popcorn. U. S. v. 19 Cases * * *. (F. D. C. No. 21707. Sample No. 61766–H.)

LIBEL FILED: November 18, 1946, District of Oregon.

ALLEGED SHIPMENT: On or about August 1, 1945, by the Golden Grain Cereal Co., from Minneapolis, Minn.

PRODUCT: 19 cases, each containing 30 8-ounce packages, of popcorn at Baker, Oreg.

LABEL, IN PART: "All American Selected Pop Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and hairs.

DISPOSITION: January 14, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CHOCOLATE AND CANDY

11877. Adulteration of chocolate. U. S. v. 98 Cases * * *. (F. D. C. No. 21884. Sample No. 53919–H.)

LIBEL FILED: December 24, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about January 15 and November 26, 1946, by Rockwood & Co., from Brooklyn, N. Y.

PRODUCT: 98 cases, each containing 50 pounds, of sweet chocolate at Cleveland, Ohio.

LABEL, IN PART: "Greeland CTG Sweet Chocolate."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments.

DISPOSITION: On January 2, 1947, Rockwood & Co. filed an answer disclaiming interest in the product and averring that the product was in perfect condition and complied in all respects with the law when delivered for shipment to the consignee.

On January 9, 1947, the Telling-Belle Vernon Co., Cleveland, Ohio, having appeared as claimant, and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. Accordingly, the product was scraped and cleaned in order to eliminate all filth.

11878. Adulteration and misbranding of candy. U. S. v. Western Candy Company. Plea of nolo contendere. Fine of $50 on each of counts 1, 2, and 3; sentence suspended on remaining 3 counts. (F. D. C. No. 22060. Sample Nos. 18429–H, 67233–H, 67235–H, 67239–H.)

INFORMATION FILED: May 7, 1947, Western District of Oklahoma, against the Western Candy Co., a corporation, Clinton, Okla.

ALLEGED SHIPMENT: On or about August 29, 1946, from the State of Oklahoma into the States of North Dakota and Nebraska.

LABEL, IN PART: "Ann's Toasted Coconut Bar Net Wt. 1¼ Oz."

NATURE OF CHARGE: Adulteration, Section 402 (d), the article was confectionery, and it contained mineral oil, a nonnutritive substance.

Misbranding, Section 403 (e) (2), a portion of the article failed to bear a label containing an accurate statement of the quantity of the contents, in that the net weight of the article was less than that declared on the label.

DISPOSITION: June 2, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $150 on the first 3 counts of the information and suspended sentence on the remaining 3 counts, conditioned on the defendant's compliance with the law for a period of 3 years.

11879. Adulteration of candy. U. S. v. 330 Boxes * * *. (F. D. C. No. 21874. Sample Nos. 51959–H, 51960–H.)

LIBEL FILED: December 19, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about September 5, 1946, by the Standard Candy Co., from Philadelphia, Pa.

PRODUCT: 330 boxes each containing 24 1¼-ounce candy bars at St. Paul, Minn.

LABEL, IN PART: "Play-Mates," or "Buddy Roll Original Cocoanut Flavored Confection."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects.

DISPOSITION: April 8, 1947. No claimant having appeared, judgment was entered ordering that the product be destroyed or denatured and disposed of as animal feed, under the supervision of the Food and Drug Administration.

11880. Adulteration of candy. U. S. v. 78 Boxes * * * (and 2 other seizure actions). (F. D. C. Nos. 23120, 23121, 23153. Sample Nos. 55329–H, 74856–H, 74858–H.)

LIBELS FILED: On or about May 20 and 29, 1947, District of Rhode Island and Southern District of Florida.

ALLEGED SHIPMENT: On or about April 22, 23, and 30, 1947, from Boston and Cambridge, Mass., by the New England Confectionery Co.

PRODUCT: 115 boxes, each containing 120 pieces, of candy at Providence, R. I., and 42 cartons each containing 24 candy bars at Jacksonville, Fla.

LABEL, IN PART: (Boxes) "Necco * * * Bolsters," or "Bolster by Necco."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 19 and July 23, 1947. Default decrees of condemnation and destruction.

11881. Adulteration of candy. U. S. v. 296 Boxes * * *. (F. D. C. No. 22418. Sample No. 35797–H.)

LIBEL FILED: January 21, 1947, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about November 23, 1946, by the Tip Top Candy Co., from Bossier City, La.

PRODUCT: 296 boxes, each containing 36 pieces, of candy at Danville, Ill.

LABEL, IN PART: "Barber Pole."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 25, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11882. Misbranding of Tootsie Fudge. U. S. v. 490 Cases * * *. (F. D. C. No. 23099. Sample No. 91230–H.)

LIBEL FILED: May 6, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about April 15, 1947, by the Sweets Co. of America, Inc., from Hoboken, N. J.

PRODUCT: 490 cases, each containing 24 13-ounce packages, of Tootsie Fudge at New York, N. Y. Examination showed that the product was a light-brown powder, with a sweet cocoa taste and a vanilla-like odor and flavor. The directions for making fudge, printed in small type on a side panel of the package, called for the addition of 3 tablespoons of butter, margarine, or vegetable shortening.

LABEL, IN PART: (Packages) "Tootsie Fudge Chocolate Flavor."

NATURE OF CHARGE: Misbranding, Section 403 (a), the prominent label designation "Tootsie Fudge" and the vignette on the label depicting a plate of fudge were misleading since butter or other shortening had to be added in order to make fudge.

DISPOSITION: October 8, 1947. Default decree of condemnation. Product ordered delivered to charitable institutions.

11883. Misbranding of wild cherry drops. U. S. v. 218 Cartons * * * (F. D. C. No. 23097. Sample No. 32678–H.)

LIBEL FILED: May 5, 1947, District of Connecticut.

ALLEGED SHIPMENT: On or about April 7, 1947, by the Metro Chocolate Co., Inc., from Brooklyn, N. Y.

PRODUCT: 218 cartons, each containing 24 1¾-ounce packages, of imitation wild cherry drops at New Haven, Conn.

LABEL, IN PART: "Ridley's Advance Imitation Wild Cherry Drops Mfd. By Ridley's Brooklyn, N. Y."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container of the article was so filled as to be misleading. (The packages contained an average of 17 pieces of candy, whereas 23 pieces could have been placed in each package.)

DISPOSITION: July 2, 1947. The Metro Chocolate Co., Inc., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, **Nos. 11884 to 11887**; that was below the standard for milk fat content, **Nos. 11886 to 11898**; and that was short of the declared weight, **Nos. 11899 and 11900.**

11884. Adulteration of butter. U. S. v. 399 Cases * * *. (F. D. C. No. 21921. Sample No. 53433–H.)

LIBEL FILED: September 4, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about August 29, 1946, by Swift & Co., from Lexington, Ky.

PRODUCT: Butter. 398 32-pound cases and 1 12-pound case at Cincinnati, Ohio.

LABEL, IN PART: "Swift's Brookfield Butter Distributed by Swift & Company General Office Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance since it was made from decomposed cream, as evidenced by a high mold mycelia count.

DISPOSITION: October 11, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered sold, conditioned that it be disposed of for purposes other than human consumption.

11885. Adulteration of process butter. U. S. v. 76 Pounds * * *. (F. D. C. No. 21936. Sample Nos. 49884–H, 49891–H.)

LIBEL FILED: September 24, 1946, Northern District of Alabama.

ALLEGED SHIPMENT: On or about June 25, 1946, by the Rainbow Distributing Co., from Cedartown, Ga.

PRODUCT: 76 pounds of process butter at Anniston, Ala. Analysis showed that the article contained insects, insect fragments, maggots, maggot fragments, rodent hairs, and feather fragments.

LABEL, IN PART: "Cherokee Rose Process Butter Mfg. by Cherokee Creamery, Inc. Cedartown, Ga."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance.

DISPOSITION: October 24, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, to be used in the manufacture of grease, glycerin, or soap.

11886. Adulteration of butter. U. S. v. Harold L. Comstock (Gem Creamery Co.). Plea of nolo contendere accepted by the court. No fine or sentence imposed. (F. D. C. No. 21563. Sample Nos. 46940–H, 58867–H to 58869–H, incl.)

INFORMATION FILED: February 14, 1947, District of Idaho, against Harold L. Comstock, an individual, trading as the Gem Creamery Co., at Emmett, Idaho.

ALLEGED SHIPMENT: On or about July 6 and 17 and August 9, 1946, from the State of Idaho into the States of Oregon and California.

LABEL, IN PART: "Gem Creamery Butter."

NATURE OF CHARGE: Adulteration (portions of product), Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, mites, and rodent hairs; Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth; Section 402 (b) (1), a valuable constituent, milk fat, had been omitted; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter. (Two of the shipments contained filth; one of these and the third shipment were low in milk fat.)

DISPOSITION: June 4, 1947. A plea of nolo contendere having been entered by the defendant, the court accepted the plea and imposed no fine or sentence.

11887. Adulteration of butter. U. S. v. 60 Boxes (3,780 pounds) * * *. (F. D. C. No. 21922. Sample No. 15725–H.)

LIBEL FILED: On or about November 5, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 3, 1946, by Blue Star Produce, Inc., from Omaha, Nebr.

PRODUCT: 60 63-pound boxes of butter at Chicago, Ill. Analysis showed that a portion of the product contained mold and that the remainder was deficient in butter fat.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (portion) the product consisted in whole or in part of a decomposed animal substance; and, Section 402 (b) (2), (remainder) a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: December 3, 1946. The Peter Fox Sons Co., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into refined butter oil, under the supervision of the Food and Drug Administration.

11888. Adulteration of butter. U. S. v. Kenneth H. Singsaas (Astoria Creamery). Plea of guilty. Fine, $50. (F. D. C. No. 21544. Sample No. 51852–H.)

INFORMATION FILED: January 23, 1947, District of South Dakota, against Kenneth H. Singsaas, trading as the Astoria Creamery, at Astoria, S. Dak.

ALLEGED SHIPMENT: On or about August 15, 1946, from the State of South Dakota into the State of Minnesota.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent of the article, milk fat, had been in part omitted from it; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: March 21, 1947. The defendant having entered a plea of guilty, the court imposed a fine of $50.

11889. Adulteration of butter. U. S. v. Armour & Co. Plea of nolo contendere. Fine, $500 and costs. (F. D. C. No. 21564. Sample No. 49876–H.)

INFORMATION FILED: February 5, 1947, Western District of Kentucky, against Armour & Co., a corporation, Louisville, Ky.

ALLEGED SHIPMENT: On or about August 7, 1946, from the State of Kentucky into the State of Louisiana.

LABEL, IN PART: "Butter Armour Creameries Distributors Gen'l Office Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: March 21, 1947. A plea of nolo contendere having been entered, the court imposed a fine of $500, plus costs.

11890. Adulteration of butter. U. S. v. Beatrice Foods Co. Plea of guilty. Fine, $100. (F. D. C. No. 22025. Sample Nos. 36152–H, 56471–H, 67314–H.)

INFORMATION FILED: April 11, 1947, Western District of Missouri, against the Beatrice Foods Co., a corporation, formerly trading and doing business under the name Beatrice Creamery Co., St. Joseph, Mo.

ALLEGED SHIPMENT: On or about May 17, 1946, from the State of Missouri into the State of Kansas.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: July 17, 1947. A plea of guilty having been entered, the defendant was fined $100.

11891. Adulteration of butter. U. S. v. Edgerton Cooperative Creamery and Jerry Notting. Plea of guilty. Fine of $100 against the creamery; individual placed on probation for 18 months. (F. D. C. No. 22011. Sample Nos. 19081–H, 51771–H.)

INFORMATION FILED: March 28, 1947, District of Minnesota, against the Edgerton Cooperative Creamery, a corporation, Edgerton, Minn., and Jerry Notting, manager of the corporation.

ALLEGED SHIPMENT: On or about August 30, 1945, and October 3, 1946, from the State of Minnesota into the State of Massachusetts.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 10, 1947. Pleas of guilty having been entered, the court imposed a fine of $100 against the creamery and placed the individual on probation for 18 months.

11892. Adulteration of butter. U. S. v. Robert W. Kirchner (Model Dairy Co.). Plea of guilty. Fine, $500 and costs. (F. D. C. No. 22032. Sample No. 39783–H.)

INFORMATION FILED: April 1, 1947, Northern District of Ohio, against Robert W. Kirchner, trading as the Model Dairy Co., Bowling Green, Ohio.

ALLEGED SHIPMENT: On or about October 8, 1946, from the State of Ohio into the State of Michigan.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: April 23, 1947. A plea of guilty having been entered, the court imposed a fine of $500, plus costs, against the defendant.

11893. Adulteration of butter. U. S. v. Murdock Farmers Cooperative Creamery Association and Peter Schuman. Pleas of guilty. Fine, $250. (F. D. C. No. 21558. Sample No. 52213–H.)

INFORMATION FILED: January 31, 1947, District of Minnesota, against the Murdock Farmers Cooperative Creamery Assoc., a corporation, Murdock, Minn., and Peter Schuman, manager.

ALLEGED SHIPMENT: On or about October 1, 1946, from the State of Minnesota into the State of New York.

LABEL, IN PART: "Butter Distributed By Hunter Walton & Co. New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: March 4, 1947. Pleas of guilty having been entered on behalf of both defendants, the court imposed a joint fine of $250.

11894. Adulteration of butter. U. S. v. Omaha Cold Storage Co. Plea of nolo contendere. Fine, $100 and costs. (F. D. C. No. 22057. Sample No. 38022–H.)

INFORMATION FILED: May 13, 1947, District of Nebraska, against the Omaha Cold Storage Co., a corporation, Omaha, Nebr.

ALLEGED SHIPMENT: On or about July 9, 1946, from the State of Nebraska into the State of Illinois.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: August 22, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $100, plus costs.

11895. Adulteration of butter. U. S. v. Padua Cooperative Creamery Association. Plea of guilty. Fine, $200. (F. D. C. No. 21571. Sample Nos. 51762–H, 51768–H.)

INFORMATION FILED: March 13, 1947, District of Minnesota, against the Padua Cooperative Creamery Association, a corporation, Padua, Minn.

ALLEGED SHIPMENT: On or about September 26 and October 3, 1946, from the State of Minnesota into the State of New Jersey.

LABEL, IN PART: "Butter June Dairy Products Co. Inc. Distributors, Jersey City, N. J."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent of the article, milk fat, had been in part omitted; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 3, 1947. A plea of guilty having been entered, the court imposed a fine of $100 on each of the 2 counts of the information.

11896. Adulteration of butter. U. S. v. 29 Boxes (1,566 pounds) * * *. (F. D. C. No. 21925. Sample No. 51768–H.)

LIBEL FILED: October 16, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about October 4, 1946, by Padua Cooperative Creamery Association, from Padua, Minn.

PRODUCT: 29 54-pound boxes of butter at Jersey City, N. J.

LABEL, IN PART: "June Dairy Products Co., Inc. Distributors Jersey City, N. J. Butter Churned From Pasteurized Cream."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 18, 1946. The June Dairy Products Co., Inc., Jersey City, N. J., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked and brought into compliance with the law, under the supervision of the Federal Security Agency.

11897. Adulteration of butter. U. S. v. 6 Tubs * * *. (F. D. C. No. 21928. Sample No. 50826–H.)

LIBEL FILED: October 10, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about October 3, 1946, by the Riverside Mutual Creamery Assoc., from Wadena, Iowa.

PRODUCT: 6 64-pound tubs of butter at New York, N. Y.

LABEL, IN PART: "John F. Byrne * * * New York."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 15, 1946. John F. Byrne, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked in order to comply with the law, under the supervision of the Food and Drug Administration.

11898. Adulteration of butter. U. S. v. 14 Cartons * * * (and 1 other seizure action; 1,088 pounds, total). (F. D. C. Nos. 21916, 21920. Sample Nos. 52015–H, 73315–H.)

LIBELS FILED: November 1 and 20, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about October 18 and November 1, 1946, by the Nelson Cooperative Creamery Co., from Nelson, Wis.

PRODUCT: 14 64-pound cartons and 3 64-pound cartons at Minneapolis, Minn.

LABEL, IN PART: "Land O'Lakes Creameries, Inc. * * * Minneapolis, Minn."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: December 9, 1946. The Nelson Cooperative Creamery, Nelson Wis., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be reworked and brought into compliance with the law, under the supervision of the Federal Security Agency.

11899. Misbranding of butter. U. S. v. Marvin Emmett Johnson (Clinton Butter Co.). Plea of guilty. Fine, $150. (F. D. C. No. 22026. Sample Nos. 67066–H, 67067–H.)

INFORMATION FILED: March 20, 1947, Western District of Missouri, against Marvin Emmett Johnson, trading as the Clinton Butter Co., Clinton, Mo.

ALLEGED SHIPMENT: On or about October 10, 1946, from the State of Missouri into the State of Kansas.

LABEL, IN PART: "Armour's Cloverbloom Butter One Pound Net Armour Creameries Distributors Gen'l Office Chicago, Ill."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents, in that the label statements (cartons) "One Pound Net" and (print wrappers) "One Pound Net Weight" were inaccurate since the net weight of the packages of butter was less than one pound.

DISPOSITION: April 14, 1947. A plea of guilty having been entered, the court imposed a fine of $150.

11900. Misbranding of butter. U. S. v. The Merchants Creamery Company, Inc. Plea of guilty. Fine, $400. (F. D. C. No. 21565. Sample Nos. 14365–H, 52865–H, 52869–H, 52950–H.)

INFORMATION FILED: February 17, 1947, Southern District of Ohio, against the Merchants Creamery Co., Inc., Cincinnati, Ohio.

ALLEGED SHIPMENT: On or about April 9, 22, and 23, and June 3, 1946, from the State of Ohio into the States of West Virginia and Kentucky.

LABEL, IN PART: "Rose Brand Creamery Butter," "Jersey Farm Dairy Creamery Butter * * * Distributed by Jersey Farm Dairy, Ft. Thomas, Ky.," "Creamery Butter Clover Leaf Dairy Newport, Ky. Distributors," or "Latonia Springs Dairy Butter Distributed by Summe & Ratermann Co., Inc., Covington, Ky."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents, in that the label statements "One Pound Net Weight," "1 Lb. Net," "1 Lb. Net Weight," and "Half Lb. Net Weight" were inaccurate since the packages contained less than the declared weight.

DISPOSITION: May 2, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $250 on count 1 and $50 on each of counts 2, 3, and 4, a total fine of $400.

CHEESE

11901. Adulteration of cheese. U. S. v. Cannon S. Wray and Clarence Nelson (Wyoming Cheese Factory), and Harold C. Jensen. Pleas of guilty. Total fines $210. (F. D. C. No. 21546. Sample Nos. 25765–H, 25768–H, 47249–H.)

INFORMATION FILED: March 17, 1947, District of Wyoming, against Cannon S. Wray and Clarence Nelson, trading as the Wyoming Cheese Factory, at Bedford, Wyo., and Harold C. Jensen, manager of the factory.

ALLEGED SHIPMENT: On or about June 13 and July 11 and 18, 1946, from the State of Wyoming into the State of Utah.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent and other hairs and other extraneous matter; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 27, 1947. Pleas of guilty having been entered, the court imposed fines totaling $150 against Cannon S. Wray and fines of $30 against both Clarence Nelson and Harold C. Jensen.

11902. Adulteration of cheese. U. S. v. G. Savarese & Son, Inc., Vincenzo Savarese, and Mrs. Marie Savarese. Pleas of guilty. Fine of $100 against the corporation and fines of $50 against each individual. (F. D. C. No. 21996. Sample Nos. 12677–H to 12679–H, incl., 56914–H to 56916–H, incl., 56918–H.)

INFORMATION FILED: May 15, 1947, District of Massachusetts, against G. Savarese & Son, Inc., Boston, Mass., Vincenzo Savarese, president and treasurer of the corporation, and Mrs. Marie Savarese, general manager.

ALLEGED SHIPMENT: On or about June 6 and July 12, 1946, from the State of Massachusetts into the State of Rhode Island.

LABEL, IN PART: (Portion) "Savarese Cheeses."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect and fly fragments, rodent hair fragments, and rodent excreta; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 3, 1947. Pleas of guilty having been entered, the court imposed fines of $100 against the corporation and $50 against each of the individuals.

11903. Adulteration of Gouda cheese. U. S. v. Edwin August Ferber (Bass Lake Dairy). Plea of nolo contendere. Imposition of sentence suspended; defendant placed on probation for 6 months. (F. D. C. No. 22016. Sample No. 19776–H.)

INFORMATION FILED: March 14, 1947, Western District of Wisconsin, against Edwin August Ferber, trading as the Bass Lake Dairy, at Somerset, Wis. On May 17, 1947, the case was transferred to the United States District Court, District of Minnesota.

ALLEGED SHIPMENT: On or about July 12, 1946, from the State of Wisconsin into the State of Minnesota.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, mites, and manure fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 28, 1947. A plea of nolo contendere having been entered, imposition of sentence was suspended and the defendant was placed on probation for 6 months.

11904. Adulteration of Gouda cheese. U. S. v. Land O'Lakes Creameries, Inc., and Edwin A. Ferber (Bass Lake Dairy). Pleas of guilty. Fine of $200 against corporate defendant; fine of $500 against individual defendant. (F. D. C. No. 21552. Sample No. 45629–H.)

INFORMATION FILED: February 14, 1947, District of Minnesota, against Land O'Lakes Creameries, Inc., and Edwin A. Ferber, doing business as Bass Lake Dairy, Minneapolis, Minn.

ALLEGED SHIPMENT: On or about July 16, 1946, from the State of Minnesota into the State of California.

LABEL, IN PART: "Cavqurd Gouda Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of mites, insects, larvae, insect fragments, insect eggs, a rodent excreta pellet, feather fragments, and manure fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 25, 1947. Pleas of guilty having been entered, the court imposed a fine of $200 against the corporate defendant and a fine of $500 against the individual defendant.

11905. Adulteration of process cheese. U. S. v. Dairy Belt Cheese & Butter Co. Plea of guilty. Fine, $5,000. (F. D. C. No. 22048. Sample Nos. 15745–H, 51891–H, 51897–H, 51935–H, 73326–H.)

INFORMATION FILED: June 18, 1947, Western District of Wisconsin, against the Dairy Belt Cheese & Butter Co., a corporation, Spencer, Wis.

ALLEGED SHIPMENT: On or about October 12 and 17, 1946, from the State of Wisconsin into the States of Illinois, Minnesota, and Iowa.

LABEL, IN PART: "Smoozette Process American Cheese * * * Distributors Beatrice Creamery Co., Chicago, Ill.," or "Dairy Belt Cheese Food."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insects, insect fragments, rodent hair fragments, feather fragments, manure fragments, cow hairs, and nondescript dirt; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: August 4, 1947. A plea of guilty having been entered, the court imposed a fine of $1,000 on each of 5 counts, a total fine of $5,000.

11906. Adulteration of process cheese. U. S. v. August Ehlert (Ehlert Milk Products Co.). Plea of nolo contendere. Fine, $500. (F. D. C. No. 22007. Sample No. 15750–H.)

INFORMATION FILED: February 28, 1947, Western District of Wisconsin, against August Ehlert, trading as the Ehlert Milk Products Co., Thorp, Wis.

ALLEGED SHIPMENT: On or about October 16, 1946, from the State of Wisconsin into the State of Illinois.

LABEL, IN PART: "Wisconsin Dairy Queen Process Pasteurized Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of larvae and insect fragments, rodent hair fragments, manure fragments, and dirt; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 21, 1947. A plea of nolo contendere having been entered, the court imposed a fine of $500.

11907. Adulteration of process cheese. U. S. v. Leon Drangle (Gilman Dairy Products Co.). Plea of guilty. Fine, $2,000. One year suspended sentence and 18 months' probation. (F. D. C. No. 21999. Sample Nos. 42874–H, 43867–H.)

INFORMATION FILED: March 28, 1947, against Leon Drangle, trading as the Gilman Dairy Products Co., Gilman, Wis.

ALLEGED SHIPMENT: On or about August 24 and 29, 1946, from the State of Wisconsin into the States of Virginia and California.

LABEL, IN PART: "Wisconsin Clover Rich Pasteurized Process Cheese," or "Flav-O-Rich Sharp Cheese Food."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of maggot, insect, and fly fragments, larvae cast skins, rodent hair fragments, setae, cow hair, manure fragments, a feather fragment, and nondescript dirt; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 14, 1947. The defendant having pleaded guilty, the court imposed a fine of $1,000 on each count, a total fine of $2,000. In addition, the defendant was sentenced to serve 1 year in the custody of the Attorney General, but this sentence was suspended and the defendant was placed on probation for a period of 18 months.

11908. Adulteration of Cheddar cheese and misbranding of condensed buttermilk. U. S. v. Merchants Creamery Co., Inc., and Roy Rawlings, Jr. Plea of nolo contendere by the individual defendant; fine, $50. Plea of guilty for the corporation; fine, $100 and costs. (F. D. C. No. 21566. Sample Nos. 34932–H, 53139–H.)

INFORMATION FILED: February 25, 1946, Western District of Missouri, against the Merchants Creamery Co., Inc., Springfield, Mo., and Roy Rawlings, Jr., plant manager; charging both defendants with the shipment of adulterated cheese, and the corporation with the shipment of misbranded condensed buttermilk.

ALLEGED SHIPMENT: On or about August 11, 1945, and September 15, 1946, from the State of Missouri into the States of Ohio and Illinois.

LABEL, IN PART: "Missouri Cheddar," or "Blue Ribbon Special Condensed Buttermilk For Animal and Poultry Feeding Analysis Protein 10%."

NATURE OF CHARGE: Cheddar cheese. Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of manure fragments, insect fragments, a rodent hair fragment, a cow hair, and plant fragments.

Condensed buttermilk. Misbranding, Section 403 (a), the label statement "Protein 10%" was false and misleading since the article contained less than 10 percent of protein.

DISPOSITION: April 7, 1947. A plea of nolo contendere having been entered by Roy Rawlings, and a plea of guilty having been entered on behalf of the corporation, fines of $50 and $100, plus costs, were imposed against the individual and the corporation, respectively.

MISCELLANEOUS DAIRY PRODUCTS*

11909. Adulteration of nonfat dry milk solids and sweetened condensed skim milk. U. S. v. Alma Dairy Products Association. Plea of nolo contendere. Fine, $150. (F. D. C. No. 21551. Sample Nos. 38582–H, 50794–H.)

INFORMATION FILED: February 5, 1947, Western District of Wisconsin, against the Alma Dairy Products Assoc., a corporation, Alma, Wis.

ALLEGED SHIPMENT: Between the approximate dates of May 2 and July 5, 1946, from the State of Wisconsin into the States of Illinois and Minnesota.

PRODUCT: The nonfat dry milk solids contained insects, insect fragments, and manure fragments; the sweetened condensed skim milk contained insects, insect fragments, and rodent hair fragments.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: February 21, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $150.

11910. Adulteration of cream and condensed milk. U. S. v. Midwest Dairy Products Corporation. Plea of guilty. Fine, $2,000. (F. D. C. No. 23293. Sample Nos. 41043–H to 41046–H, incl.)

INFORMATION FILED: July 16, 1947, Western District of Missouri, against the Midwest Dairy Products Corp., West Plains, Mo.

ALLEGED SHIPMENT: On or about April 3 and 4, 1947, from the State of Missouri into the State of Tennessee.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of manure fragments, insect fragments, and a rodent hair fragment.

DISPOSITION: August 5, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $500 on each count, a total fine of $2,000.

11911. Adulteration of cream. U. S. v. 1 5-Gallon Can * * *. (F. D. C. No. 21938. Sample No. 59795–H.)

LIBEL FILED: September 17, 1946, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 14, 1946, by Morgan L. Rudy, from Fairmont, W. Va.

PRODUCT: 1 5-gallon can of cream at Pittsburgh (Millvale), Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance.

DISPOSITION: September 17, 1946. The consignee having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

FISH AND SHELLFISH

11912. Adulteration of frozen mackerel. U. S. v. 3,403 Pounds * * *. (F. D. C. No. 21678. Sample Nos. 63523–H, 63524–H.)

LIBEL FILED: November 25, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about August 18, 1946, by J. A. Rich, Casius Hunt, and B. P. Phillips, from Boston, Mass., and Davis Brothers Fisheries, Inc., from Gloucester, Mass.

PRODUCT: 3,403 pounds of frozen mackerel at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: February 10, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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*See also No. 11908.

11913. Adulteration of rockfish fillets. U. S. v. 459 Cases * * *. (F. D. C. No. 21958. Sample Nos. 43100–H, 90709–H.)

LIBEL FILED: December 9, 1946, District of Columbia.

ALLEGED SHIPMENT: On or about October 9, 1946, by the New England Fish Co., from Everett, Wash.

PRODUCT: 459 cases, each containing 10 5-pound cartons, of rockfish fillets at Washington, D. C.

LABEL, IN PART: "Fillet of Rock Fish Belleanna Brand Fish Chillets."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a putrid substance.

DISPOSITION: March 6, 1947. The New England Fish Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the purpose of segregating the good from the bad, under the supervision of the Federal Security Agency.

11914. Adulteration of frozen whiting and frozen rosefish fillets. U. S. v. 303 Cartons, etc. (and 2 other seizure actions). (F. D. C. Nos. 21973, 21991, 22349. Sample Nos. 54416–H, 55201–H, 60097–H.)

LIBELS FILED: On or about December 23, 1946, and on January 2, 1947, Northern District of Georgia and Western District of New York.

ALLEGED SHIPMENT: On or about October 3 and 14, 1946, by the Provincetown Fisheries, Inc., from Provincetown, Mass.

PRODUCT: 303 50-pound cartons of frozen whiting and 191 40-pound cartons of frozen rosefish fillets at Atlanta, Ga., and 174 40-pound cartons of frozen rosefish fillets at Buffalo, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the whiting and a portion of the rosefish consisted in whole or in part of a decomposed or putrid substance, and the remainder of the rosefish consisted in whole or in part of a filthy substance by reason of being infested with parasites.

DISPOSITION: January 10 and February 12 and 24, 1947. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

11915. Adulteration of crab meat. U. S. v. Carol Dryden (Carol Dryden & Co.). Plea of guilty. Fine, $1,000 and costs. (F. D. C. No. 21549. Sample Nos. 42071–H, 42076–H.)

INFORMATION FILED: February 5, 1947, District of Maryland, against Carol Dryden, doing business as Carol Dryden & Co., Crisfield, Md.

ALLEGED SHIPMENT: On or about September 17 and 19, 1946, from the State of Maryland into the States of Pennsylvania and New York.

LABEL, IN PART: "One Pound Pride of the Chesapeake Crab Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of fecal *Escherichia coli;* and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 9, 1947. The defendant having entered a plea of guilty, the court imposed a fine of $1,000, plus costs.

11916. Adulteration and misbranding of crab meat. U. S. v. James M. Jackson (J. M. Jackson & Sons). Plea of nolo contendere. Fine, $150; defendant placed on probation for 2 years. (F. D. C. No. 21567. Sample Nos. 1523–H, 1641–H, 1642–H, 41625–H to 41630–H, incl.)

INFORMATION FILED: March 5, 1947, Southern District of Georgia, against James M. Jackson, an individual trading as J. M. Jackson & Sons, at Savannah, Ga.

ALLEGED SHIPMENT: On or about April 27 and June 11, 1946, from the State of Georgia into the State of Maryland.

NATURE OF CHARGE: Adulteration (1 shipment), Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of fecal *Escherichia coli;* and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

Misbranding (other shipments), Section 403 (a) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents, in that the covers of the cans enclosing the food bore the statement "1 Lb." and the crab meat contained in the cans weighed less than 1 pound.

DISPOSITION: March 15, 1947. A plea of nolo contendere having been entered, the defendant was fined $150 and was placed on probation for a period of 2 years.

11917. Adulteration of canned clams. U. S. v. 17 Cases * * *. (F. D. C. No. 21639. Sample No. 57177–H.)

LIBEL FILED: December 4, 1946, District of Rhode Island.

ALLEGED SHIPMENT: On or about August 24, 1946, by the L. Ray Packing Co., from Cherryfield, Maine.

PRODUCT: 17 cases, each containing 48 $2^{11}/_{16}$ x 4-inch size cans, of clams at Providence, R. I. Examination showed that the cans contained an average of 4.71 ounces of drained clams, whereas cans of that size should contain a minimum of 5 ounces of drained clams.

LABEL, IN PART: "Ray Brand Contents 10½ Oz. Avoir. Fancy Maine Clams Packed by L. Ray Company Milbridge, Maine."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), brine had been substituted in part for clams.

DISPOSITION: January 21, 1947. The L. Ray Packing Co., claimant, having consented to the entry of a decree, judgment was entered ordering that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

11918. Adulteration of canned oysters. U. S. v. 1,810 Cases * * *. (F. D. C. No. 21692. Sample No. 58743–H.)

LIBEL FILED: November 13, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about September 7, 1946, by Dungeness Co., from Wichita, Kansas.

PRODUCT: 1,810 cases, each containing 48 8-ounce cans, of oysters at Seattle, Wash.

LABEL, IN PART: "Haines Brand Fancy Pacific Oysters," "Shoalwater Brand Oysters," or "Nip-Tide Brand Pacific Oysters."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: January 24, 1947. The Dungeness Sales Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the fit portion be segregated and sorted from the unfit portion, under the supervision of the Federal Security Agency.

11919. Adulteration of frozen shrimp. U. S. v. 6 Boxes * * *. (F. D. C. No. 21610. Sample Nos. 63520–H, 63521–H.)

LIBEL FILED: November 4, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about September 29, 1946, by the Golden Meadow Fisheries Co., from Golden Meadow, La.

PRODUCT: 6 boxes, containing a total of 728 pounds, of frozen shrimp at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 22, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11920. Adulteration of frozen shrimp. U. S. v. 299 Cases * * *. (F. D. C. No. 21826. Sample No. 17062–H.)

LIBEL FILED: December 11, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 26, 1946, by the Liberty Ice & Cold Storage Co., from New Orleans, La.

PRODUCT: 299 cases, each containing 10 5-pound boxes, of frozen shrimp at Chicago, Ill.

LABEL, IN PART: "Frozen Fresh Shrimp Lodrigues Brothers Seafoods New Orleans, La."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: February 6, 1947. The Pelican Oyster & Fish Co., New Orleans, La., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed, or denatured, under the supervision of the Federal Security Agency.

11921. Misbranding of canned shrimp. U. S. v. 5 Cases * * *. (F. D. C. No. 21627. Sample No. 64227–H.)

LIBEL FILED: November 13, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about September 5, 1946, from New Orleans, La., by L. Lopez Sons.

PRODUCT: 5 cases, each containing 48 cans, of shrimp at Newburgh, N. Y.

LABEL, IN PART: (Cans) "Lopez Brand Drained Weight 7 Oz. Wet Pack Large Shrimp."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short-weight.) Further misbranding, Section 403 (h) (2), the article purported to be and was represented as canned wet pack shrimp, a food for which a standard of fill of container had been prescribed by the regulations, and it fell below such standard since the containers of the article were not so filled that the cut-out weight of shrimp taken from each can was not less than 64 percent of the water capacity of the container; and the label of the article failed to bear a statement that it fell below such standard.

DISPOSITION: December 18, 1946. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES*

CANNED FRUIT

11922. Adulteration of canned blackberries. U. S. v. 115 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 21654, 21711. Sample Nos. 62302–H, 62303–H.)

LIBELS FILED: November 15 and 20, 1946, Western and Southern Districts of New York.

ALLEGED SHIPMENT: On or about September 19, 1946, by Charles L. Diven, from Portland, Oreg.

PRODUCT: Canned blackberries. 115 cases at New York City and 328 cases at Buffalo, N. Y. Each case contained 6 6-pound, 7-ounce cans, of the product.

LABEL, IN PART: "Varick Blackberries in Water Francis H. Leggett & Co. Distributors New York, N. Y.," or "Cream of the Valley Blackberries in Water."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten blackberries.

DISPOSITION: March 4 and April 28, 1947. No claimant having appeared for either lot, judgments of condemnation were entered and the product was ordered destroyed.

11923. Adulteration of canned blueberries. U. S. v. 1,068 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 21655, 22165. Sample Nos. 43071–H, 90726–H.)

LIBELS FILED: November 19, 1946, and January 9, 1947, District of Columbia.

ALLEGED SHIPMENT: On or about September 21 and 24, 1946, by the Sea-Land Frosted Foods Corp., from Webster, N. Y.

PRODUCT: 1,068 cases and 1,220 cases, each containing 24 1-pound, 4-ounce cans, of blueberries at Washington, D. C.

*See also Nos. 11853, 11854.

LABEL, IN PART: "Sea-Land Selected Blueberries With Sugar Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten blueberries.

DISPOSITION: March 10, 1947. The Sea-Land Frosted Foods Corp., claimant, having failed to file an answer to the libels, judgments of condemnation were entered and the product was ordered disposed of by delivery to a public institution, for use as animal feed.

11924. Adulteration of canned cherries and misbranding of canned apricots. U. S. v. Colorado Mountain Food Co. Plea of nolo contendere. Fine, $300. (F. D. C. No. 22002. Sample Nos. 51865–H, 72526–H.)

INFORMATION FILED: April 1, 1947, District of Colorado, against the Colorado Mountain Food Co., a partnership, Grand Junction, Colo.

ALLEGED SHIPMENT: On or about August 14 and September 4, 1946, from the State of Colorado into the States of Minnesota and Oklahoma.

LABEL, IN PART: "Mellhorn Brand Choice Rocky Mountain Whole Unpeeled Apricots In Heavy Syrup," or "Mellhorn Brand Choice Rocky Mountain Dark Sweet Cherries In Medium Syrup."

NATURE OF CHARGE: Canned cherries. Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of whole insects, insect parts, and a worm skin fragment.

Canned apricots. Misbranding, Section 403 (g) (2), the label of the article failed to bear the name of the optional packing medium. The label bore the statement "In Heavy Syrup," and the article was packed in sirup designated as light sirup in the definition and standard for canned apricots.

DISPOSITION: April 21, 1947. A plea of nolo contendere having been entered, the court imposed a fine of $300.

11925. Adulteration of canned plums and frozen cherries. U. S. v. Verland V. Erntson. Plea of nolo contendere. Fine, $50. (F. D. C. No. 21560. Sample Nos. 7991–H, 19441–H.)

LIBEL FILED: February 7, 1947, District of Oregon, against Verland V. Erntson, Albany, Oreg.

ALLEGED SHIPMENT: On or about July 19 and October 11, 1945, from the State of Oregon into the States of New Jersey and Minnesota.

LABEL, IN PART: "Light Cherries Packed in Syrup By Associated Frozen Food Packers Inc. Seattle Wash," or "Purple Plums In Heavy Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the frozen cherries consisted in part of a filthy substance by reason of the presence of maggots, and the canned plums consisted in part of a decomposed substance by reason of the presence of decomposed prune material.

DISPOSITION: April 3, 1947. A plea of nolo contendere having been entered, the court imposed a fine of $50.

11926. Misbranding of canned cherries. U. S. v. 32 Cases * * *. (F. D. C. No. 21837. Sample No. 48156–H.)

LIBEL FILED: December 6, 1946, District of Utah.

ALLEGED SHIPMENT: On or about October 12, 1946, by Chas. P. Wagner Bros., from New Orleans, La.

PRODUCT: 32 cases, each containing 24 9½-ounce bottles, of cherries at Provo, Utah. Examination showed that the product was short-weight.

LABEL, IN PART: "Helen Ann Cherries in Heavy Syrup Net Weight 9½ Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: August 1, 1947. Default decree ordering product delivered to charitable institutions.

11927. Adulteration of canned peaches. U. S. v. Spartanburg Cooperative Cannery, Inc. Plea of nolo contendere. Fine, $5. (F. D. C. No. 22051. Sample Nos. 54589–H, 54590–H.)

INFORMATION FILED: April 18, 1947, Western District of South Carolina, against the Spartanburg Cooperative Cannery, Inc., Spartanburg, S. C.

ALLEGED SHIPMENT: On or about September 25, 1946, from the State of South Carolina into the State of North Carolina.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of wormy peaches.

DISPOSITION: October 30, 1947. A plea of nolo contendere having been entered on behalf of the defendant, a fine of $5 was imposed.

11928. Adulteration and misbranding of canned peaches. U. S. v. 343 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 21599, 22187. Sample Nos. 1978–H, 54589–H.)

LIBELS FILED: November 1, 1946, and January 14, 1947, Middle and Eastern Districts of North Carolina.

ALLEGED SHIPMENT: On or about September 25 and October 26, 1946, by the Spartanburg Cooperative Cannery, Inc., from Spartanburg, S. C.

PRODUCT: Canned peaches. 343 cases at Sanford and 399 cases at Raleigh, N. C. Each case contained 24 1-pound, 12-ounce cans, of the product.

LABEL, IN PART: "S–C Yellow Freestone Peaches," or "Spartan Kist Yellow Freestone Peaches Halves."

NATURE OF CHARGE: Sanford lot. Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of wormy peaches.

Raleigh lot. Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned peaches by reason of the fact that more than 20 percent of the units in the containers of the article were blemished with scab, hail injury, discoloration, or other abnormalities, and all units of the article were not untrimmed, or were so trimmed as not to preserve normal shape.

DISPOSITION: January 17 and February 20, 1947. The Spartanburg Cooperative Cannery having appeared as claimant for the Raleigh lot, and no claimant having appeared for the Sanford lot, judgments of condemnation were entered. It was ordered that the Raleigh lot be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration, and that the Sanford lot be destroyed,

11929. Adulteration and misbranding of canned peaches. U. S. v. 171 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 21683, 21741. Sample Nos. 25060–H, 25062–H.)

LIBELS FILED: November 25 and December 3, 1946, Western District of Louisiana.

ALLEGED SHIPMENT: On or about September 13 and 14, 1946, by the Valley Packing Co., from Atkins, Ark.

PRODUCT: 171 cases, each containing 6 6-pound, 10-ounce cans, of peaches at Monroe, La., and 180 cases, each containing 24 1-pound, 13-ounce cans, of the same product at West Monroe, La.

LABEL, IN PART: "Big 3 Brand Yellow Freestone Whole Peaches In Light Syrup."

NATURE OF CHARGE: Adulteration (180-case lot), Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worms.

Misbranding (171-case lot), Section 403 (g) (2), the article fell below the definition and standard of identity since it failed to bear a label containing the name of the food specified in the definition and standard, and the name of the optional packing medium present. The labels bore the statement "Yellow Freestone Whole Peaches In Light Syrup," whereas the article also contained white freestone peaches, and was packed in sirup designated as "slightly sweetened water" in the definition and standard. Further misbranding, Section 403 (h) (1), the article fell below the standard of quality since more than 20 percent of the units in the containers were blemished with discolorations and other abnormalities, and all units of the article were not untrimmed, or were so trimmed as not to preserve normal shape; and its label failed to bear, in such a manner and form as the regulations specify, a statement that it fell below the standard.

DISPOSITION: February 15, 1947. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed or disposed of by the Marshal, as provided by law.

11930. Misbranding of canned peaches. U. S. v. Valley Packing Co. Plea of nolo contendere. Fine, $100. (F. D. C. No. 22038. Sample Nos. 25060–H, 25062–H.)

INFORMATION FILED: April 23, 1947, against the Valley Packing Co., a partnership, Atkins, Ark.

ALLEGED SHIPMENT: On or about September 13 and 14, 1946, from the State of Arkansas into the State of Louisiana.

LABEL, IN PART: "Big 3 Brand Yellow Freestone Whole Peaches In Light Syrup."

NATURE OF CHARGE: Adulteration (portion), Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of wormy fruit.

Misbranding (remainder), Section 403 (g) (2), the product failed to conform to the definition and standard of identity for canned peaches since it was labeled "Yellow Freestone Whole Peaches In Light Syrup," but was packed in water, and the product also included white freestone peaches. Further misbranding, Section 403 (h) (1), the product failed to conform to the standard of quality since more than 20 percent of the units in the container were blemished with discoloration or other abnormality, and all of the units were not untrimmed or so trimmed as to preserve normal shape; and it was not labeled to show that it was substandard.

DISPOSITION: June 16, 1947. A plea of nolo contendere having been entered, a fine of $100 was imposed.

11931. Misbranding of canned peaches. U. S. v. 100 Cases * * *. (F. D. C. No. 21947. Sample Nos. 54336–H, 54337–H.)

LIBEL FILED: December 10, 1946, Western District of North Carolina.

ALLEGED SHIPMENT: On or about October 12, 1946, by American Fresh and Frozen Foods, Inc., from Hamilton, Ga.

PRODUCT: 100 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Charlotte, N. C.

LABEL, IN PART: (Can) "American Mixed Yellow Halves and Pieces of Irregular Size and Shape Freestone Peaches in Light Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the label of the article failed to bear, as required by regulations, the name of the optional packing medium present. The label bore the statement "Freestone Peaches in Light Syrup," whereas the article was packed in sirup designated as "slightly sweetened water" in the definition and standard. Further misbranding, Section 403 (h) (1), the article fell below the standard of quality prescribed for canned peaches since more than 20 percent of the units in the container were blemished with scab, discoloration, and broken pieces of pit, and all peach half-units of the article were not untrimmed, or were so trimmed as not to preserve normal shape; and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: January 2, 1947. American Fresh and Frozen Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled in compliance with the law, under the supervision of the Federal Security Agency.

DRIED FRUIT

11932. Adulteration of dried apricots. U. S. v. 119 Cases, etc. (F. D. C. No. 21877. Sample Nos. 62451–H, 62452–H.)

LIBEL FILED: December 30, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about August 28, 1946, by the Maui Dry Goods and Grocery Co., Ltd., from Kahului, Hawaii. This was a return shipment by the consignee.

PRODUCT: 119 25-pound cases and 32 25-pound cases of dried apricots at San Francisco, Calif.

LABEL, IN PART: "Choice Apricots," or "Unpitted Apricots Medium."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of being insect-infested.

DISPOSITION: March 5, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11933. Adulteration of dates. U. S. v. 100 Cases * * *. (F. D. C. No. 21824. Sample No. 40135–H.)

LIBEL FILED: December 5, 1946, Western District of Tennessee.

ALLEGED SHIPMENT: On or about March 2, 1945, by Wood & Selick, from New York, N. Y.

PRODUCT: 100 70-pound cases of seedless dates at Memphis, Tenn.

LABEL, IN PART: "Clean Sound and Fresh Dates grown in Iraq."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insects and insect parts, and dirty, moldy, and sour dates.

DISPOSITION: February 11, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold for conversion into stock feed, under the supervision of the Federal Security Agency.

11934. Adulteration of dates. U. S. v. 7 Boxes * * *. (F. D. C. No. 21758. Sample No. 40132–H.)

LIBEL FILED: February 15, 1947, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about October 25 and November 1, 1946, by Habib's, Inc., care of the Memphis Cold Storage Warehouse Co., from Memphis, Tenn.

PRODUCT: 7 70-pound boxes of dates at Helena, Ark.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect parts.

DISPOSITION: April 7, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11935. Adulteration of dates. U. S. v. 74 Cases * * *. (F. D. C. No. 21713. Sample No. 52760–H.)

LIBEL FILED: November 19, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about January 4, February 23, and December 19, 1945, by T. M. Duche & Sons, Inc., and V. C. Arguimbau & Co., Inc., from New York, N. Y.

PRODUCT: 74 68-pound cases of dates at Cleveland, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hairs.

DISPOSITION: March 18, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11936. Adulteration of prunes. U. S. v. Starr Fruit Products Co. Plea of nolo contendere. Fine, $100. (F. D. C. No. 21545. Sample Nos. 5321–H, 58838–H.)

INFORMATION FILED: February 7, 1947, District of Oregon, against the Starr Fruit Products Co., a corporation, Portland, Oreg.

ALLEGED SHIPMENT: April 2 and 3, 1946, from the State of Oregon into the State of Pennsylvania.

LABEL, IN PART: "Starr Brand Prepared Dried Prunes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of brown rot.

DISPOSITION: February 21, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $100.

11937. Adulteration of prunes. U. S. v. Washington Growers Packing Corp. Plea of guilty. Total fine, $225 and costs. (F. D. C. No. 21555. Sample Nos. 12670–H, 37895–H, 59246–H.)

INFORMATION FILED: February 3, 1947, Western District of Washington, against the Washington Growers Packing Corp., Vancouver, Wash.

ALLEGED SHIPMENT: On or about November 23 and 28 and December 19, 1945, from the State of Washington into the States of Massachusetts and Oregon.

LABEL, IN PART: "Bestwest Clark County Prunes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed prune material. (The product contained brown rot.)

DISPOSITION: June 11, 1947. A plea of guilty having been entered, the court imposed fines totaling $225, plus costs.

11938. Adulteration of prunes. U. S. v. 178 Boxes * * *. (F. D. C. No. 21693. Sample No. 73329–H.)

LIBEL FILED: November 9, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about November 15, 1945, by C. L. Dick & Co., from San Jose, Calif.

PRODUCT: 178 25-pound boxes of prunes at Minneapolis, Minn.

LABEL, IN PART: "Mity-Nice Brand Santa Clara Prunes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insects, insect excreta, and webbing, and moldy and decomposed prunes.

DISPOSITION: February 5, 1947. No claimant having appeared, judgment was entered and the product was ordered denatured and disposed of for use as animal feed; otherwise, the product was to be destroyed.

11939. Adulteration of raisins. U. S. v. Rosenberg Bros. & Co. Plea of nolo contendere. Fine, $200. (F. D. C. No. 22005. Sample Nos. 46515–H, 46532–H, 46533–H.)

INFORMATION FILED: February 11, 1947, Northern District of California, against Rosenberg Bros. & Co., a corporation, San Francisco, Calif.

ALLEGED SHIPMENT: On or about March 15 and April 15, 1946, from the State of California into the Territory of Puerto Rico.

LABEL, IN PART: "Ungraded Loose Muscat Raisins For Export [or "For Manufacture of Liquor"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and decomposed raisins.

DISPOSITION: April 21, 1947. A plea of nolo contendere having been entered, the court imposed a fine of $200.

11940. Adulteration of raisins. U. S. v. 11 Cartons * * *. (F. D. C. No. 21689. Sample No. 53889–H.)

LIBEL FILED: November 6, 1946, Western District of Kentucky.

ALLEGED SHIPMENT: On or about December 2, 1944, by the California Packing Corp., from Fresno, Calif.

PRODUCT: 11 30-pound cartons of raisins at Louisville, Ky.

LABEL, IN PART: "Lustre Brand Fancy Golden Bleached Thompson Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested raisins.

DISPOSITION: January 22, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, for use as animal feed.

FRESH AND FROZEN FRUIT*

11941. Adulteration of apples. U. S. v. 230 Baskets * * *. (F. D. C. No. 21919. Sample Nos. 67261–H, 67262–H.)

LIBEL FILED: October 28, 1946, District of Nebraska.

ALLEGED SHIPMENT: On or about September 25, 1946, by the Ramsel Fruit Co., from Blair, Kans.

*See also No. 11925.

PRODUCT: 230 bushel baskets of apples at Columbus, Nebr.

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained an added poisonous and deleterious substance, lead, which may have rendered it injurious to health.

DISPOSITION: December 16, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11942. Adulteration of apples. U. S. v. 50 Bushels * * * (and 1 other seizure action). (F. D. C. Nos. 21929, 21934. Sample Nos. 41501–H, 41503–H.)

LIBELS FILED: October 17, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 5 and 11, 1946, by Otto Klaas, from Batchtown, Ill.

PRODUCT: 50 bushels and 78 bushels of apples at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

DISPOSITION: November 14, 1946. No claimant having appeared, judgments of condemnation were entered and the apples were ordered delivered to charitable institutions, conditioned that they be peeled and that the peelings and cores be destroyed, under the supervision of the Food and Drug Administration.

11943. Adulteration of apples. U. S. v. 99 Bushels * * *. (F. D. C. No. 21930. Sample No. 40791–H.)

LIBEL FILED: October 16, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 2, 1946, by Carl Biesman, from Batchtown, Ill.

PRODUCT: 99 bushels of apples at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

DISPOSITION: November 7, 1946. Default decree of condemnation. Product ordered delivered to a charitable institution, conditioned that the apples be peeled and cored and that the peelings and cores be destroyed, under the supervision of the Food and Drug Administration.

11944. Adulteration of apples. U. S. v. 60 Bushels * * *. (F. D. C. No. 21931. Sample No. 40782–H.)

LIBEL FILED: October 11, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 8, 1946, by R. Mederacke, from Golden Eagle, Ill.

PRODUCT: 60 bushels of apples at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

DISPOSITION: November 1, 1946. Default decree of condemnation. The product was ordered delivered to a charitable institution, conditioned that the apples be peeled and cored and that the peelings and cores be destroyed, under the supervision of the Food and Drug Administration.

11945. Adulteration of apples. U. S. v. 27 Bushels * * *. (F. D. C. No. 21933. Sample No. 40769–H.)

LIBEL FILED: October 4, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 1, 1946, by Lillie Kinder, from Golden Eagle, Ill.

PRODUCT: 27 bushels of apples at St. Louis, Mo.

LABEL, IN PART: "Golden Delicious * * * Lillie Kinder Golden Eagle, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

DISPOSITION: October 31, 1946. Default decree of condemnation. Product ordered delivered to a local hospital, conditioned that it be peeled and cored and that the peelings and cores be destroyed, under the supervision of the Food and Drug Administration.

11946. Adulteration of grapes. U. S. v. 104 Barrels * * *. (F. D. C. No. 21888. Sample No. 64702–H.)

LIBEL FILED: December 2, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about October 8, 1946, by Gilmore Hudson Valley Produce, from Milton, N. Y.

PRODUCT: 104 barrels, each containing 350 pounds, of grapes at Jersey City, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.

DISPOSITION: May 5, 1947. The Hudson Valley Packing Corp., Brooklyn, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be used solely in the manufacture of distilled spirits, under the supervision of the Food and Drug Administration.

11947. Misbranding of frozen, pitted black cherries. U. S. v. 399 Cases * * *. (F. D. C. No. 21878. Sample No. 61012–H.)

LIBEL FILED: December 20, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about July 9, 1946, by the Juillard Frozen Food Co., from Watsonville, Calif.

PRODUCT: 399 cases, each containing 24 1-pound packages, of frozen, pitted black cherries at Waterport, N. Y. Examination showed that the product contained excessive pits.

LABEL, IN PART: "Jean Juillard Brand Fresh Frozen California Pitted Sweet Black Cherries."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Pitted Sweet Black Cherries" was false and misleading as applied to partially pitted cherries.

DISPOSITION: April 15, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

VEGETABLES

11948. Adulteration of canned dried peas and carrots. U. S. v. Nelson Packing Co., a corporation, and William W. Haas. Pleas of nolo contendere. Fine of $4,000, jointly, against the defendants. (F. D. C. No. 21543. Sample Nos. 58939–H, 58967–H, 58968–H, 59163–H.)

INFORMATION FILED: January 29, 1947, Northern District of California, against the Nelson Packing Co., a corporation, San Francisco, Calif., and William W. Haas, president.

ALLEGED SHIPMENT: On or about March 21, 1946, from the State of California into the State of Washington.

LABEL, IN PART: "Winners Brand * * * Dried Sweet Diced Peas & Carrots."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of weevil-infested peas.

DISPOSITION: March 31, 1947. Pleas of nolo contendere having been entered on behalf of both defendants, the court imposed a fine of $1,000 on each of the four counts, a total fine of $4,000, to be paid jointly by the corporation and the individual defendant.

11949. Adulteration of canned field peas. U. S. v. 344 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 21636, 21649, 21658, 21659. Sample Nos. 1959–H to 1961–H, incl., 1963–H.)

LIBELS FILED: November 16, 19, and 20, 1946, Western District of South Carolina.

ALLEGED SHIPMENT: On or about August 5, 6, and 14, 1946, by Langford & Taylor, from Meansville, Ga.

PRODUCT: 954 cases, each containing 24 1-pound, 2-ounce cans, of field peas at Spartanburg, Greenville, Seneca, and Belton, S. C.

LABEL, IN PART: "Alimosa Brand Georgia Green Field Peas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: January 4, 1947. Default decrees of condemnation. The product was ordered delivered to a charitable institution, for use as animal feed.

11950. Adulteration of canned field peas with snaps. U. S. v. 1,656 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 21646, 21980. Sample Nos. 54661–H, 54804–H.)

LIBELS FILED: November 15, 1946 (amended January 17, 1947), Southern District of Florida, and December 20, 1946, Northern District of Florida.

ALLEGED SHIPMENT: On or about July 22 and 26, 1946, by the Russell & Decker Co., from Waynesboro, Ga.

PRODUCT: 1,656 cases at Jacksonville, Fla., and 467 cases at Quincy, Fla., each case containing 24 1-pound, 4-ounce cans, of field peas with snaps.

LABEL, IN PART: "Russell's Foods * * * Field Peas with Snaps."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: January 17 and March 28, 1947. Default decrees of condemnation. Product ordered delivered to a public institution, for use as animal feed.

11951. Adulteration of canned field peas with snaps. U. S. v. 201 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 21677, 21976. Sample Nos. 1797–H, 54805–H.)

LIBELS FILED: November 25 and December 20, 1946, Eastern District of South Carolina and Northern District of Florida.

ALLEGED SHIPMENT: On or about August 5 and 16, 1946, by the Ploeger-Abbott Co., from Waynesboro, Ga.

PRODUCT: 201 cases at Florence, S. C., and 591 cases at Quincy, Fla., each case containing 24 1-pound, 3-ounce cans, of field peas with snaps.

LABEL, IN PART: "Golden Isle Tasty Foods Field Peas with Snaps."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: January 30 and March 28, 1947. Default decrees entered. Portion of product ordered destroyed; remainder ordered destroyed, or delivered to a public institution for use as hog feed.

Nos. 11952 to 11963 report actions involving canned peas that purported to be a food for which a standard of quality has been prescribed by law, but the quality was charged to fall below the standard because of higher alcohol-insoluble solids than the maximum permitted by the standard, and the labels failed to bear, in the manner and form that the regulations specify, a statement that the product was below the standard.

11952. Misbranding of canned peas. U. S. v. Bloomer Farm Products Co. Plea of nolo contendere. Fine, $300. (F. D. C. No. 22061. Sample Nos. 51890–H, 53477–H.)

INFORMATION FILED: May 8, 1947, Western District of Wisconsin, against the Bloomer Farm Products Co., a corporation, Bloomer, Wis.

ALLEGED SHIPMENT: On or about September 7 and 9, 1946, from the State of Wisconsin into the States of Minnesota and Ohio.

LABEL, IN PART: "Nation's Garden Brand Early June Peas * * * Packed for Fine Foods, Inc., Minneapolis, Minn., Seattle, Wash.," or "Bloomer Wisconsin Early Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: June 2, 1947. A plea of nolo contendere having been entered on behalf of the defendant, a fine of $300 was imposed.

11953. Misbranding of canned peas. U. S. v. Cobb Canning Co. Plea of guilty. Fine, $200. (F. D. C. No. 22030. Sample Nos. 19393–H, 40794–H.)

INFORMATION FILED: March 26, 1947, Western District of Wisconsin, against the Cobb Canning Co., a corporation, Cobb, Wis.

ALLEGED SHIPMENT: On or about July 3 and 6, 1946, from the State of Wisconsin into the States of Iowa and Missouri.

LABEL, IN PART: (Portion) "Our Little Cook Wisconsin Early June Peas." The second lot was invoiced "Std. 4 Ala. Peas."

NATURE OF CHARGE: Misbranding (unlabeled lot), Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (g) (2), it purported to be canned Alaska peas, for which a definition and standard of identity has been prescribed by the regulations, and its label failed to bear the name of the food specified in the definition and standard.

Misbranding (both lots), Section 403 (h) (1), the quality of the article fell below the standard by reason of excessive alcohol-insoluble solids.

DISPOSITION: April 22, 1947. A plea of guilty having been entered, the court imposed a fine of $200.

11954. Misbranding of canned peas. U. S. v. A. T. Hipke & Sons, Inc. Plea of guilty. Fine, $500. (F. D. C. No. 22017. Sample Nos. 16495–H, 48898–H, 49903–H.)

INFORMATION FILED: March 27, 1947, Eastern District of Wisconsin, against A. T. Hipke & Sons, Inc., New Holstein, Wis.

ALLEGED SHIPMENT: On or about August 15 and 17 and September 26, 1946, from the State of Wisconsin into the States of Alabama and Illinois.

LABEL, IN PART: "Little Boy Early June Peas," "Altona Brand Early June Peas," or "Festive Selected Early June Peas Steele-Wedeles Company Distributors Chicago, Ill."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard.

DISPOSITION: April 14, 1947. A plea of guilty having been entered, the court imposed a fine of $500.

11955. Misbranding of canned peas. U. S. v. The Krier Preserving Co. Plea of guilty. Fine, $1,500. (F. D. C. No. 22053. Sample Nos. 50822–H, 72928–H, 72929–H, 90503–H.)

INFORMATION FILED: April 22, 1947, Eastern District of Wisconsin, against the Krier Perserving Co., a corporation, Belgium and Random Lake, Wis.,

ALLEGED SHIPMENT: On or about July 19 and 31 and August 6, 1946, from the State of Wisconsin into the States of Iowa, Kentucky, and Virginia.

LABEL, IN PART: "Belle of Belgium June Peas," "U BE SEE Sifted Early June Peas * * * Distributed by United Buyers Corporation Chicago, San Francisco," or "Wisconsin Sunnyside June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned peas.

DISPOSITION: May 5, 1947. A plea of guilty having been entered on behalf of the corporation, the court imposed a fine of $1,500.

11956. Misbranding of canned peas. U. S. v. Seymour Canning Co. Plea of guilty. Fine, $1,000. (F. D. C. No. 22040. Sample Nos. 35583–H to 35585–H, incl., 40121–H.)

INFORMATION FILED: April 15, 1947, Eastern District of Wisconsin, against the Seymour Canning Co., a corporation, Seymour, Wis.

ALLEGED SHIPMENT: On or about August 23, 1946, from the State of Wisconsin into the State of Tennessee.

LABEL, IN PART: "Ontra * * * Wisconsin Early June Peas Size 4," or "Good Fare Wisconsin Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard.

DISPOSITION: April 28, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $1,000.

11957. Misbranding of canned peas. U. S. v. 98 Cases, etc., (and 1 other seizure action). (F. D. C. Nos. 21616, 21617, 21703. Sample Nos. 35583–H to 35585–H, incl., 40121–H.)

LIBELS FILED: November 8 and 18, 1946, Western District of Tennessee.

ALLEGED SHIPMENT: On or about August 23, 1946, by the Seymour Canning Co., from Seymour, Wis.

PRODUCT: 494 cases and 488 cases at Memphis and Covington, Tenn., respectively, each case containing 24 1-pound, 4-ounce cans, of peas.

LABEL, IN PART: "Ontra [or "Good Fare"] Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: December 11, 1946. The Seymour Canning Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

11958. Misbranding of canned peas. U. S. v. 498 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 21850, 22450. Sample Nos. 52049–H, 67737–H.)

LIBELS FILED: December 10, 1946, and January 29, 1947, District of Kansas and Northern District of Iowa.

ALLEGED SHIPMENT: On or about August 28 and September 9, 1946, by Mineral Point Foods, Inc., from Mineral Point, Wis.

PRODUCT: Canned peas. 498 cases at Salina, Kans., and 247 cases at Dubuque, Iowa. Each case contained 24 1-pound, 4-ounce cans.

LABEL, IN PART: "Good Meal Brand Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard in quality.

DISPOSITION: February 22 and February 24, 1947. Mineral Point Foods, Inc., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

11959. Misbranding of canned peas. U. S. v. 126 Cases * * * (and 4 other seizure actions). (F. D. C. Nos. 21719, 22397, 22398, 22777, 22778. Sample Nos. 41293–H, 41294–H, 49935–H, 49936–H, 52160–H.)

LIBELS FILED: November 19, 1946, and January 21 and March 28, 1947, District of North Dakota, Eastern District of Arkansas, and Northern District of Mississippi.

ALLEGED SHIPMENT: Between the approximate dates of July 31 and October 30, 1946, by Stokely-Van Camp, Inc., from Cumberland, Wis., Indianapolis, Ind., and Norwalk, Ohio.

PRODUCT: Canned peas. 126 cases at Fargo, N. Dak., 87 cases at Paragould, Ark., 197 cases at Jonesboro, Ark., and 476 cases at Columbus, Miss. Each case contained 24 1-pound, 4-ounce cans.

LABEL, IN PART: "Glen Valley Brand Early June Peas * * * Distributed By Jeffersonville Packing Company, Inc. Indianapolis, Ind.," or "Our Favorite Brand Early June Peas * * * Distributed by Fame Canning Company, Inc. Indianapolis."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: Between January 6, 1947, and June 20, 1947. Stokely-Van Camp, Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

11960. Misbranding of canned peas. U. S. v. 52 Cases * * *. (F. D. C. No. 21868. Sample No. 39214–H.)

LIBEL FILED: December 27, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 19, 1946, by Saukville Canned Foods, Inc., from Saukville, Wis.

PRODUCT: 52 cases, each containing 24 1-pound, 4-ounce cans, of peas at Chicago, Ill.

LABEL, IN PART: "Bill of Fare Brand Early June Peas * * * Distributed by Fredonia Canned Foods Incorporated, Fredonia, Wis."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was substandard in quality.

DISPOSITION: April 12, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, or destroyed. The product was delivered to an institution, for use as animal feed.

11961. Misbranding of canned peas. U. S. v. 91 Cases * * *. (F. D. C. No. 21873. Sample No. 3970–H.)

LIBEL FILED: December 19, 1946, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 26, 1946, by H. P. Cannon & Son, from Bridgeville, Del.

PRODUCT: 91 cases, each containing 24 1-pound, 4-ounce cans, of peas at Scranton, Pa.

LABEL, IN PART: "Diamond State Brand. Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard.

DISPOSITION: November 4, 1947. Default decree of condemnation. The product was ordered delivered to charitable institutions.

11962. Misbranding of canned peas. U. S. v. 94 Cases * * * (and 4 other seizure actions). (F. D. C. Nos. 21614, 22201, 22617, 22811, 22859. Sample Nos. 42130–H, 42131–H, 42698–H, 53885–H, 53975–H, 53976–H.)

LIBELS FILED: November 7, 1946, and January 27, March 10, and April 9 and 21, 1947, Eastern District of Kentucky, Southern District of West Virginia, and Southern District of Ohio.

ALLEGED SHIPMENT: Between the approximate dates of July 18 and December 31, 1946, by the Crites Milling Co., from Ashville, Ohio, and Ashland and Maysville, Ky.

PRODUCT: Canned peas. 94 cases at Covington, Ky.; 397 cases at Huntington, 71 cases at Williamson, and 258 cases at Iaeger, W. Va.; and 416 cases at Ashville, Ohio. Each case contained 24 1-pound, 4-ounce cans.

LABEL, IN PART: "Royal Taste Brand [or "Sweet Home Brand"] Sifted Early June Peas * * * Crites Milling Co. Packers Circleville, Ohio," or "Crites Brand Sifted Early June Peas H. M. Crites & Sons Circleville, Ohio Packers."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), all lots of the article were substandard in quality, because the article was a smooth skin variety of peas and the alcohol-insoluble solids were more than 23.5 percent; and, in addition, the Iaeger lot was substandard in quality because more than 10 percent of the peas were too hard to be crushed by a weight of 2 pounds.

Further misbranding, Section 403 (a), the statement "Grade C" on the label of the article in the Covington lot was false and misleading as applied to canned peas of substandard quality.

DISPOSITION: December 30, 1946, and February 13, April 22, June 16, and July 11, 1947. No claimant having appeared for the Williamson lot, and the Crites Milling Co. having appeared as claimant for the other lots, judgments of condemnation were entered. The Williamson lot was ordered delivered to a charitable institution, and the other lots were ordered released under bond for relabeling under the supervision of the Federal Security Agency.

11963. Misbranding of canned peas. U. S. v. 1,992 Cases * * *. (F. D. C. No. 21619. Sample Nos. 51574–H, 51575–H.)

LIBEL FILED: November 6, 1946, Northern District of Iowa.

ALLEGED SHIPMENT: On or about July 23, 1946, by the Chaska Canning Co., from Chaska, Minn.

PRODUCT: 1,992 cases, each containing 24 No. 2 cans, of peas at Sioux City, Iowa. The product was shipped unlabeled, and no written agreement existed between the shipper and the consignee regarding the labeling. The product was invoiced as standard peas, but was substandard by reason of high alcohol-insoluble solids.

NATURE OF CHARGE: Misbranding, Sections 403 (e) (1) and (2), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (g) (2), it purported to be and was represented as canned peas, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as required by the regulations, the name of the food specified in the definition and standard; and, Section 403 (h) (1), it was below standard.

DISPOSITION: November 23, 1946. The Chaska Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be labeled under the supervision of the Food and Drug Administration.

11964. Misbranding of canned peas. U. S. v. 36 Cases * * *. (F. D. C. No. 21965. Sample No. 54725–H.)

LIBEL FILED: On or about December 12, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about June 5, 1945, by Smart and Final Co., from Glendale, Calif.

PRODUCT: 36 cases, each containing 24 1-pound, 4-ounce cans, of peas at East Point, Ga.

LABEL, IN PART: (Cans) "Grill Brand * * * Ungraded Sweet Peas Frank M. Wilson Company Packers & Distributors Stockton Calif."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article failed to conform to the standard of quality for canned peas with respect to tenderness.

DISPOSITION: February 14, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered relabeled in compliance with the law, and sold.

11965. Adulteration of frozen spinach. U. S. v. 184 Cases * * *. (F. D. C. No. 21821. Sample No. 81223–H.)

LIBEL FILED: December 5, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about October 1, 1946, by the R. D. Bodle Co., from Ballard, Wash.

PRODUCT: 184 cases, each containing 12 3-pound packages, of frozen spinach at Minneapolis, Minn.

LABEL, IN PART: "Bodle Quick Frozen Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for spinach; and, Section 402 (b) (4), water had been added to the article so as to increase its bulk and weight.

DISPOSITION: July 11, 1947. The R. D. Bodle Co., claimant, having withdrawn its answer denying the allegations of the libel, and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reprocessing and relabeling under the supervision of the Federal Security Agency.

11966. Adulteration of canned turnip greens. U. S. v. 272 Cases * * *. (F. D. C. No. 21611. Sample No. 54660–H.)

LIBEL FILED: November 5, 1946, Southern District of Florida.

ALLEGED SHIPMENT: On or about April 5 and 7, 1945, by the White Packing Co., from Vienna, Ga.

PRODUCT: 272 cases, each containing 24 1-pound, 3-ounce cans, of turnip greens at Jasper, Fla.

LABEL, IN PART: "Georgia Turnip Greens."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: February 12, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use solely as animal feed.

TOMATOES AND TOMATO PRODUCTS

11967. Adulteration and misbranding of canned tomatoes. U. S. v. 151 Cases * * * . (F. D. C. No. 21603. Sample No. 50003–H.)

LIBEL FILED: November 4, 1946, Western District of Louisiana.

ALLEGED SHIPMENT: On or about July 22, 1946, by the Mallory Canning Co., from Grapeland, Tex.

PRODUCT: 151 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Ruston, La. Examination of the product showed the presence of swells, leakers, and rusty cans. In addition, it was substandard in quality.

LABEL, IN PART: "Grapeland Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 430 (h) (1), the article was below standard in quality by reason of its failure to meet the requirements for color and because of its low drained weight and excess of tomato peel.

DISPOSITION: February 15, 1947. No claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed, or otherwise disposed of, as provided by law. The unfit portion was segregated and destroyed, and the remainder was delivered to a public institution.

11968. Adulteration and misbranding of canned tomatoes. U. S. v. 100 Cases * * * . (F. D. C. No. 21828. Sample No. 35756–H.)

LIBEL FILED: December 4, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 25, 1946, by the Alpena Canning Co., from Cricket, Ark.

PRODUCT: 100 cases, each containing 24 1-pound, 2-ounce (or 1-pound, 3-ounce) cans, of tomatoes at St. Louis, Mo.

LABEL, IN PART: "Alpena Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing added water had been substituted in whole or in part for canned tomatoes.

Misbranding, Section 403 (g) (1), the product failed to conform to the standard of identity for canned tomatoes since it contained added water, which is not a permitted ingredient of canned tomatoes in the definition and standard.

DISPOSITION: March 21, 1947, J. A. Center, Maxine Center Pettit, and William M. Center, co-partners, claimants, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled, under the supervision of the Food and Drug Administration, by the addition to the label of the statement "with 25% water added."

11969. Misbranding of canned tomatoes. U. S. v. 2,147 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 21886, 21960, 21993. Sample Nos. 49539–H, 50084–H, 73318–H.)

LIBELS FILED: November 29 and December 11 and 26, 1946, Eastern and Western Districts of Louisiana and District of South Dakota.

ALLEGED SHIPMENT: September 5 and 11 and October 1, 1946, by the Steele Canning Co., from Rogers and Springdale, Ark.

PRODUCT: Canned tomatoes. 2,147 cases at New Orleans, La., 498 cases at Alexandria, La., and 389 cases at Sioux Falls, S. Dak. Each case contained 24 1-pound, 3-ounce cans.

All lots of the product were substandard because of low drained weight. In addition, 1 lot failed to meet the test for color, and 1 lot contained excess tomato peel.

LABEL, IN PART: "Nancy Lee Brand Tomatoes," or "Hand Packed Steele's Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was substandard in quality.

DISPOSITION: December 12, 1946, and January 14 and 28, 1947. The Steele Canning Co. having appeared as claimant for the three lots, and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

11970. Misbranding of canned tomatoes. U. S. v. 717 Cases * * *. (F. D. C. No. 21662. Sample No. 48976–H.)

LIBEL FILED: November 29, 1946, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about August 28, 1946, by the Crawford Canning Co., from Olvey, Ark.

PRODUCT: 717 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Hattiesburg, Miss.

LABEL, IN PART: "Royal Red Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the product fell below the definition and standard for canned tomatoes by reason of its lack of strength and redness of color and an excess of tomato peel and blemishes per pound of canned tomatoes.

DISPOSITION: April 17, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11971. Misbranding of canned tomatoes. U. S. v. 353 Cases * * *. (F. D. C. No. 21657. Sample No. 51578–H.)

LIBEL FILED: November 25, 1946, District of South Dakota.

ALLEGED SHIPMENT: On or about August 27, 1946, by the Gravette Canning Co., from Gravette, Ark.

PRODUCT: 353 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Sioux Falls, S. Dak.

LABEL, IN PART: "Red Aces Brand * * * Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the strength and redness of the article failed to meet the requirements of the standard, and the tomato peel per pound of the article exceeded the amount permitted for standard quality canned tomatoes; and the label failed to bear a statement that the article fell below the standard of quality.

DISPOSITION: December 23, 1946. The Gravette Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

11972. Misbranding of canned tomatoes. U. S. v. 222 Cases * * *. (F. D. C. No. 21650. Sample No. 54909–H.)

LIBEL FILED: November 15, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about September 2, 1946, by A. W. Sisk & Son, from Kingston, Md.

PRODUCT: 222 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Atlanta, Ga.

LABEL, IN PART: (Can) "King of the Field Brand * * * Tomatoes Packed by H. P. Tull & Co. Kingston, Md."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes by reason of an excess of tomato peel.

DISPOSITION: April 4, 1947. H. P. Tull & Co., Kingston, Md., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled in compliance with the law, under the supervision of the Food and Drug Administration.

11973. Misbranding of canned tomatoes. U. S. v. 206 Cases * * *. (F. D. C. No. 21697. Sample No. 25000–H.)

LIBEL FILED: November 12, 1946, Eastern District of Texas.

ALLEGED SHIPMENT: On or about September 6, 1946, by the Hinton Food Products Co., from Rogers, Ark.

PRODUCT: 206 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at Beaumont, Tex.

LABEL, IN PART: "Cheerio Brand Hand Packed Tomatoes Distributed by Canners Exchange, Inc., Springfield, Mo."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was substandard in quality because of its low drained weight.

DISPOSITION: February 13, 1947. The Hinton Food Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

11974. Adulteration and misbranding of tomato puree. U. S. v. James P. Spoto (Northwestern Canning & Packing Co.). Plea of guilty. Fine, $500 on count 1; jail sentence of 1 year on remaining counts suspended, and defendant placed on probation for 5 years. (F. D. C. No. 22064. Sample Nos. 1288–H, 1289–H, 54558–H.)

INFORMATION FILED: May 8, 1947, against James P. Spoto, trading as the Northwestern Canning & Packing Co., at Seffner, Fla.

ALLEGED SHIPMENT: On or about June 28 and July 5, 1946, from the State of Florida into the States of Alabama and Georgia.

LABEL, IN PART: "Old Glory Brand Tomato Puree."

NATURE OF CHARGE: Adulteration (1 lot only), Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding (all lots), Section 403 (g) (1), the product failed to conform to the regulations prescribing a standard for tomato puree, since it contained less than 8.37 percent of salt-free tomato solids.

DISPOSITION: June 19, 1947. A plea of guilty having been entered, the defendant was fined $500 on count 1, and was sentenced to 1 year's imprisonment on each of the remaining 3 counts, to run concurrently. The prison sentence was to be suspended upon payment of the fine. The fine was paid, and the defendant was placed on probation for a period of 5 years.

11975. Adulteration of tomato puree. U. S. v. 120 Cases * * * (and 4 other seizure actions). (F. D. C. Nos. 21690, 22224, 22245, 22248, 22413. Sample Nos. 43124–H, 54745–H to 54747–H, incl., 64828–H, 70556–H.)

LIBELS FILED: Between the approximate dates of November 14, 1946, and February 7, 1947, Western District of Virginia, Eastern District of New York, Southern District of Georgia, and Southern District of California.

ALLEGED SHIPMENT: Between the approximate dates of August 23 and November 1, 1946, by the D. E. Foote & Co., Inc., from Baltimore, Md.

PRODUCT: 1,446 cases of tomato puree at Pulaski, Va., Maspeth, N. Y., Savannah, Ga., and Culver City, Calif. Some of the cases contained 6 6-pound, 9-ounce cans, and other cases contained 24 1-pound, 4-ounce cans, or 1-pound, 3-ounce cans.

LABEL, IN PART: "Family Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), all lots consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material, and the California lot consisted in whole or in part of a filthy substance by reason of the presence of insect fragments.

DISPOSITION: January 8, March 18, and April 4 and 17, 1947. Default decrees of condemnation and destruction.

11976. Adulteration and misbranding of tomato sauce. U. S. v. 42 Cases * * *. (F. D. C. No. 21668. Sample No. 57228–H.)

LIBEL FILED: November 21, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about June 11, 1946, by Grossi Brothers, from Chicago, Ill.

PRODUCT: 42 cases, each containing 48 10-ounce cans, of tomato sauce at Chicopee, Mass. The article was a slightly concentrated tomato product, with added salt but no added color.

LABEL, IN PART: "Baby Brand Tomato Sauce Made from Whole Tomatoes Distributed by Uddo & Taormina Co. New Orleans, La. Crystal Springs, Miss." Some of the cans bore the statement "Color Added."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an unconcentrated, or slightly concentrated, unspiced, comminuted tomato liquid, with added salt, had been substituted in whole or in part for tomato sauce.

Misbranding, Section 403 (a), the label statement "Tomato Sauce" was false and misleading, and the label statement "Color Added," on some of the cans, was false and misleading as applied to an article containing no added color.

DISPOSITION: February 17, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

11977. Adulteration and misbranding of tomato sauce. U. S. v. 287 Cases * * *. (F. D. C. No. 21694. Sample No. 48639–H.)

LIBEL FILED: December 10, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about June 29, 1946, by the St. Clair Foods Co., Ltd., from McAllen, Tex.

PRODUCT: 287 cases, each containing 48 8-ounce cans, of tomato sauce at Denver, Colo.

LABEL, IN PART: (Cans) "Royal Rio, Spanish Style Tomato Sauce Net Weight 8 Ozs. Avoir."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs, and of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short-weight.)

DISPOSITION: January 9, 1947. Consent decree of condemnation and destruction.

MEAT AND POULTRY

11978. Adulteration of frozen beef. U. S. v. 378 Boxes * * *. (F. D. C. No. 22794. Sample No. 73119–H.)

LIBEL FILED: March 31, 1947, Northern District of Ohio.

ALLEGED SHIPMENT: On or about February 4, 1947, by the Houston Terminal Warehouse Co., from Houston, Tex.

PRODUCT: 378 110-pound boxes of frozen beef at Cleveland, Ohio.

LABEL, IN PART: "San Antonio Packing Company San Antonio, Texas Beef."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: June 24, 1947. The Akron Standard Market Co., Akron, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be disposed of for use as animal feed or tankage, under the supervision of the Food and Drug Administration.

11979. Adulteration of dressed poultry. U. S. v. Hoese Poultry Co. and Herman C. Mock. Pleas of guilty. Fine of $150 against each defendant. (F. D. C. No. 21570. Sample No. 53162–H.)

INFORMATION FILED: February 14, 1947, Southern District of Indiana, against the Hoese Poultry Co., a partnership, Worthington, Ind., and Herman C. Mock, a partner.

ALLEGED SHIPMENT: On or about August 22, 1946, from the State of Indiana into the State of Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed birds.

DISPOSITION: February 14, 1947. Pleas of guilty having been entered, the court imposed a fine of $150 each against the partnership defendant and the individual defendant.

11980. Adulteration of turkeys. U. S. v. Omaha Cold Storage Co., a corporation, and Homer C. Sheridan. Pleas of nolo contendere. Corporation fined $300 and costs; individual fined $50. (F. D. C. No. 23247. Sample No. 60083–H.)

INFORMATION FILED: October 10, 1947, District of Nebraska, against the Omaha Cold Storage Co., a corporation, Omaha, Nebr., and Homer C. Sheridan, vice-president.

ALLEGED SHIPMENT: On or about November 18, 1946, by the Omaha Cold Storage Co., from the State of Nebraska into the State of New York.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of contamination with fecal matter, and of a decomposed substance by reason of the presence of decomposed turkeys.

DISPOSITION: November 6, 1947. A plea of nolo contendere having been entered on behalf of the defendants, the corporation was fined $300 and costs and the individual was fined $50.

11981. Adulteration of frozen turkeys. U. S. v. Irving Manaster Co., a corporation, and Irving Manaster. Pleas of nolo contendere. Corporate defendant fined $200 and costs; individual defendant fined $100. (F. D. C. No. 22001. Sample No. 65030–H.)

INFORMATION FILED: March 10, 1947, Northern District of Illinois, against the Irving Manaster Co., Chicago, Ill., and Irving Manaster, president and treasurer.

ALLEGED SHIPMENT: On or about June 4, 1946, from the State of Illinois into the State of Pennsylvania.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of its contamination with fecal matter, and of a decomposed substance by reason of the presence of decomposed poultry.

DISPOSITION: April 11, 1947. Pleas of nolo contendere having been entered, the court imposed fines of $200 and costs against the corporate defendant and $100 against the individual defendant.

11982. Adulteration of frozen turkeys. U. S. v. 77 Boxes * * *. (F. D. C. No. 21981. Sample No. 57255–H.)

LIBEL FILED: December 18, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about October 3 and 15, 1946, by Swift & Co., from Holyoke, Colo.

PRODUCT: 77 95-pound boxes of frozen turkeys at Springfield, Mass.

LABEL, IN PART: "Swift Premium Turkeys."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of being moldy.

DISPOSITION: February 12, 1947. Swift & Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

11983. Adulteration of frozen turkeys. U. S. v. 16 Boxes * * *. (F. D. C. No. 21918. Sample Nos. 39203–H, 39205–H.)

LIBEL FILED: October 17, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 23, 1946, by Armour Creameries, from Marysville, Kans.

PRODUCT: 16 boxes of frozen turkeys at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the product consisted in whole or in part of diseased animals, or of animals which had died otherwise than by slaughter.

DISPOSITION: April 9, 1947. Default decree of condemnation. The product was ordered denatured and delivered to a public institution, for use as animal feed.

NUTS

11984. Adulteration of brazil nuts. U. S. v. 50 Bags * * *. (F. D. C. No. 21986. Sample No. 65457–H.)

LIBEL FILED: December 17, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 27, 1946, by the Red Line Commercial Co., from New York, N. Y.

PRODUCT: 50 100-pound bags of brazil nuts at Philadelphia, Pa.

LABEL, IN PART: "Amazon Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy, rancid, and decomposed brazil nuts, and was otherwise unfit for food by reason of the presence of empty shells.

DISPOSITION: February 13, 1947. The Red Line Commercial Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, to be brought into compliance with the law by destruction of the unfit nuts, under the supervision of the Federal Security Agency.

11985. Adulteration of brazil nuts. U. S. v. 12 Bags * * *. (F. D. C. No. 21861. Sample No. 17067–H.)

LIBEL FILED: December 23, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 1, 1946, by the William A. Camp Co., Inc., from New York, N. Y.

PRODUCT: 12 100-pound bags of brazil nuts at Chicago, Ill.

LABEL, IN PART: "Tropical Brand New Crop Large Washed Brazils."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy, rancid, and decomposed brazil nuts, and was otherwise unfit for food by reason of the presence of empty shells.

DISPOSITION: March 14, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution or destroyed. It was delivered to an institution, to be used as animal feed.

11986. Adulteration of peanuts. U. S. v. 12 Bags * * *. (F. D. C. No. 21817. Sample No. 72634–H.)

LIBEL FILED: December 3, 1946, District of Utah.

ALLEGED SHIPMENT: On or about October 30, 1945, by the Consumers Peanut Co., from Carbon, Tex.

PRODUCT: 12 122-pound bags of peanuts at Provo, Utah.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect excreta, and webbing.

DISPOSITION: August 1, 1947. Default decree entered. The product was ordered disposed of for use as animal feed.

11987. Adulteration of shelled peanuts. U. S. v. 204 Bags * * *. (F. D. C. No. 21845. Sample No. 48159–H.)

LIBEL FILED: December 10, 1946, District of Utah.

ALLEGED SHIPMENT: Between the approximate dates of January 17 and March 29, 1946, from Dublin, Tex., Portales, N. Mex., and Durant, Okla.

PRODUCT: 204 115-pound bags of shelled peanuts at Salt Lake City, Utah, in possession of the Cornwall Warehouse Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the product contained rodent excreta and rodent hairs.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 16, 1946. The Sweet Candy Company, Salt Lake City, Utah, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. The product was reconditioned by removal and destruction of all contaminated peanuts.

11988. Adulteration of pecans. U. S. v. 75 Bags * * * (and 1 other seizure action). (F. D. C. Nos. 21580, 22337. Sample Nos. 8933–H, 39516–H.)

LIBELS FILED: October 30 and December 30, 1946, Southern District of New York and Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about September 21 and 26, 1946, by the Southeastern Pecan Co., Inc., from Waycross, Ga.

PRODUCT: Pecans. 20 5-pound bags and 43 50-pound bags at Milwaukee, Wis., and 75 100-pound bags at New York, N. Y.

LABEL, IN PART: "Gulf Kist Brand Pecans Extra Large Blend."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy, rancid, and decomposed pecans.

DISPOSITION: November 18, 1946, and March 4, 1947. The Southeastern Pecan Co., Inc., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the nuts be shelled and that the unfit portion be segregated and destroyed under the supervision of the Federal Security Agency.

11989. Adulteration of walnut meats. U. S. v. 5 Cartons * * *. (F. D. C. No. 21744. Sample No. 72631–H.)

LIBEL FILED: November 26, 1946, District of Utah.

ALLEGED SHIPMENT: On or about January 15, 1946, by the L. Demartini Co., from San Francisco, Calif.

PRODUCT: 5 25-pound cartons of walnut meats at Provo, Utah.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect excreta, webbing, and insect-damaged nuts.

DISPOSITION: February 14, 1947. No claimant having appeared, judgment was entered ordering that the product be destroyed by being utilized as animal feed.

OILS AND FATS

11990. Adulteration and misbranding of french dressing. U. S. v. 160 Cases, etc. (and 6 other seizure actions). (F. D. C. Nos. 21793 to 21800, incl. Sample Nos. 59099–H, 59100–H.)

LIBELS FILED: Between the dates of December 2 and 21, 1946, District of Montana.

ALLEGED SHIPMENT: On or about August 16 and October 22, 1946, by the Virginia Dare Extract Co., Inc., from Brooklyn, N. Y.

PRODUCT: French dressing. 750 cases, each containing 24 8-ounce bottles, 195 cases, each containing 4 1-gallon bottles, and 19 cases, each containing 6 ½-gallon bottles, in various amounts, at Great Falls, Kalispell, Missoula, Butte, Helena, and Bozeman, Mont.

LABEL, IN PART: "Virginia Dare Non-Separating French Dressing (Wine Style)."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, oil, had been in whole or in part omitted. (Oil is an integral part of french dressing. Examination showed that the product contained an insignificant amount of oil.)

Misbranding, Section 403 (a), the designation "French Dressing" was false and misleading.

DISPOSITION: May 1, 2, and 3, 1947. The shipper having withdrawn its claim and consented to the entry of decrees, judgments of condemnation were entered and the product was ordered destroyed.

11991. Adulteration of mayonnaise. U. S. v. 153 Pints * * * (and 1 other seizure action). (F. D. C. Nos. 21787, 21788. Sample Nos. 43161–H, 43162–H.)

LIBELS FILED: December 2 and 17, 1946, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about November 4, 1946, by Princeton Produce Market, from Columbia, S. C.

PRODUCT: 153 1-pint jars and 3 cases, each case containing 12 1-pint jars, of mayonnaise at Princeton, W. Va.

LABEL, IN PART: "Warren's Mayonnaise Made with Mineral Oil, Eggs, Vinegar, Mustard, Salt and Sugar Made By Warren Food Co., Columbia, S. C."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained approximately 80 percent of added mineral oil, a deleterious substance, which may have rendered the article injurious to health; Section 402 (b) (1), a valuable constituent, edible vegetable oil, had been in whole or in part omitted from the article; Section 402 (b) (2), a product containing mineral oil had been substituted wholly for mayonnaise, which contains edible vegetable oil and does not contain mineral oil; and, Section 402 (b) (4), mineral oil had been added to the article and mixed and packed with it so as to reduce its quality and strength.

DISPOSITION: January 21, 1947. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

11992. Adulteration of mayonnaise. U. S. v. 38 Cases * * *. (F. D. C. No. 21859. Sample Nos. 43171–H, 43172–H.)

LIBEL FILED: December 17, 1946, Western District of Virginia.

ALLEGED SHIPMENT: On or about October 19, 1946, by Peeler's Open Air Market, of Danville, Va., from Columbia, S. C.

PRODUCT: 26 cases, each containing 12 1-quart jars, and 14 cases, each containing 12 1-pint jars, of mayonnaise at Danville, Va.

LABEL, IN PART: "Caldwell's Mayonnaise Contains mineral oil, starch, eggs, vinegar, salt and other spices Made by Caldwell's Cafeteria, Columbia, S. C."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article contained approximately 52 percent of added mineral oil, a deleterious substance, which may have rendered the article injurious to health; Section 402 (b) (1), a valuable constituent, edible vegetable oil, had been in whole or in part omitted from the article; Section 402 (b) (2), a product containing mineral oil had been substituted wholly for mayonnaise, which contains edible vegetable oil and does not contain mineral oil; and, Section 402 (b) (4), mineral oil had been added to the article and mixed and packed with it so as to reduce its quality and strength.

DISPOSITION: February 26, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11993. Adulteration of salad dressing. U. S. v. 18 Jars * * *. (F. D. C. No. 21833. Sample No. 49934–H.)

LIBEL FILED: December 10, 1946, Northern District of Mississippi.

ALLEGED SHIPMENT: On or about November 1, 1946, by Kuykendall's Food Products, from Paris, Tex.

PRODUCT: 18 1-gallon jars of salad dressing at Columbus, Miss.

LABEL, IN PART: "Larue Brand Salad Dressing."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and insect parts; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 25, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11994. Misbranding of olive oil. U. S. v. 16 Cases, etc. (F. D. C. No. 21962. Sample Nos. 43093–H, 43096–H.)

LIBEL FILED: December 9, 1946, District of Columbia.

PRODUCT: Olive oil. 4 cases, each containing 24 16-ounce bottles, 10 cases, each containing 12 8-ounce bottles, and 2 cases, each containing 36 4-ounce bottles, and 31 2-ounce bottles. The article was in interstate commerce in the District of Columbia, in possession of Larimer's Market, Washington, D. C.

LABEL, IN PART: "Capitol Brand Imported Olive Oil Capitol Olive Oil Co. Washington, D. C."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance consisting in whole or in part of cottonseed oil had been substituted for olive oil.

Misbranding, Section 403 (a), the label designation "Imported Olive Oil" was false and misleading.

DISPOSITION: February 20, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

SPICE

11995. Adulteration of black pepper. U. S. v. J. J. Brodsky & Sons, and Victor Brodsky. Pleas of guilty. Fine, $150 and costs. (F. D. C. No. 22013. Sample Nos. 35581–H, 35582–H, 54594–H.)

INFORMATION FILED: April 2, 1947, Northern District of Illinois, against J. J. Brodsky & Sons, a partnership, Chicago, Ill., and Victor Brodsky, a partner.

ALLEGED SHIPMENT: On or about August 27 and September 30, 1946, from the State of Illinois into the States of Tennessee and Georgia.

LABEL, IN PART: "Gee! Zee Finest Black Pepper Gee Zee Food Products Co. Packers-Distributors Chicago, Ill.," "Shure Good Brand Black Pepper Sure Foods Specialty Co., Chicago, Ill.," or "Damore Brand Pure Black Pepper Packed By Damore Spice Company, Chicago, Illinois."

NATURE OF CHARGE: Adulteration, Sections 402 (b) (2) and (4), ground soybeans and wheat, in the Gee Zee and the Shure Good Brand lots, and starch material, in the Damore Brand lot, had been substituted in part for black pepper, and had been added to it and mixed and packed with it so as to increase its bulk and weight and reduce its quality and strength.

DISPOSITION: April 25, 1947. Pleas of guilty having been entered on behalf of both defendants, the court imposed a fine of $150 and costs against the defendants jointly.

11996. Adulteration of black pepper. U. S. v. Gee Zee Food Products Co., a partnership, and Harry Zak and Irving Goldin. Pleas of guilty. Fine, $200 and costs. (F. D. C. No. 22014. Sample Nos. 1782–H, 1784–H, 54571–H.)

INFORMATION FILED: April 2, 1947, against the Gee Zee Food Products Co., Chicago, Ill., and Harry Zak and Irving Goldin, partners.

ALLEGED SHIPMENT: On or about August 23 and 27 and September 11, 1946, from the State of Illinois into the State of Georgia.

LABEL, IN PART: "Gee! Zee Finest Black Pepper."

NATURE OF CHARGE: Adulteration, Section 402 (d) (2), starchy material had been substituted in part for black pepper; and, Section 402 (b) (4), starchy material had been added to the article and mixed and packed with it so as to increase its bulk and weight and reduce its quality and strength.

DISPOSITION: April 28, 1947. Pleas of guilty having been entered, the court imposed a fine of $200 and costs against the defendants jointly.

11997. Adulteration of black pepper. U. S. v. Aaron Wilensky (Crack-A-Nut Company). Plea of guilty. (F. D. C. No. 22041. Sample No. 15499–H.)

INFORMATION FILED: April 3, 1947, Northern District of Illinois, against Aaron Wilensky, trading as the Crack-A-Nut Co., Chicago, Ill.

ALLEGED SHIPMENT: On or about December 3, 1946, from the State of Illinois into the State of Michigan.

LABEL, IN PART: "Tastegood Brand Extra Fancy Selected Pure Black Pepper."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance consisting essentially of ground cottonseed hulls, soybean hulls, buckwheat, wheat flour, and black pepper, had been substituted in part for pure black pepper; and, Section 402 (b) (4), other substances had been added to the article and mixed and packed with it so as to increase its bulk and weight and reduce its quality and strength.

DISPOSITION: May 28, 1947. A plea of guilty having been entered, the court imposed a fine of $200, plus costs.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE*

11998. Adulteration and misbranding of thiamine hydrochloride and panopsin B-complex tablets. U. S. v. 25 Cartons, etc. (and 1 other seizure action). (F. D. C. Nos. 19868, 19869. Sample Nos. 15655–H, 15656–H.)

LIBELS FILED: May 23, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On various dates between June 30, 1945, and February 18, 1946, by the Harrower Laboratory, Inc., from Glendale, Calif.

PRODUCT: 25 cartons, each containing 1 vial, of thiamine hydrochloride and 751 100-tablet bottles of panopsin B-complex tablets at Chicago, Ill.

LABEL, IN PART: "30 cc. Size Thiamine Hydrochloride 100 mg. per cc.," or "Panopsin B-Complex * * * Each tablet contains * * * Niacinamide 7.5 mg."

NATURE OF CHARGE: Thiamine hydrochloride. Adulteration, Section 402 (b) (1), a valuable constituent, thiamine hydrochloride, had been in whole or in part omitted from the article. Misbranding, Section 403 (a), the label statement "Thiamine Hydrochloride 100 mg. per cc." was false and misleading.

Panopsin B-complex. Adulteration, Section 402 (b) (1), a valuable constituent, niacinamide, had been in whole or in part omitted from the article. Misbranding, Section 403 (a), the label statement "Each tablet contains * * * Niacinamide 7.5 mg." was false and misleading.

DISPOSITION: September 17, 1946. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

11999. Misbranding of Parsley and Garlic capsules, etc. U. S. v. 15½ Dozen Bottles * * *, etc., and a number of circulars. (F. D. C. No. 21945. Sample Nos. 36178–H to 36183–H, incl., 36185–H to 36192–H, incl.)

LIBEL FILED: On or about December 30, 1946, Western District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of February 6 and October 31, 1946, by the Battle Creek Dietetic Supply Company, from Battle Creek, Mich.

PRODUCT: 15½ dozen 120-capsule bottles of Parsley and Garlic, 18½ dozen 60-capsule bottles of Hi-A Vitamin, 17 dozen 50-capsule bottles of Soy Bean Lecithin with Vitamin D, 35 7/12 dozen 100-tablet bottles of Vitamin C 100 Mgm., 23 dozen 100-tablet bottles of Riboflavin Vitamin B_2 (G), 23⅔ dozen 150-tablet bottles of Vitamin B Complex Ironated, 19⅓ dozen 1-pint bottles of Malt Syrup with Vitamins A B D, 29⅔ dozen 1-pint bottles of Vitamin and Mineral Compound, 36 dozen 1-pound bottles of Lactose Dextrins Maltose with Dry Lemon Juice, 32 dozen 500-tablet packages of Kelp Tablets, 35 dozen 1-pound cans of Wheat Germ, 24¼ dozen 60-wafer packages of Dicalcium Phosphate Wafers with Viosterol, 36½ dozen 70-capsule and 140-capsule bottles of Tonique Capsules, 21¾ dozen 60-capsule bottles and 17¼ dozen 150-capsule bottles of Wheat Germ Oil, and a number of circulars entitled "Health is Wealth" at North Kansas City, Mo.

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the labeling of the articles were false and misleading.

The articles were alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2181, in which are set forth the analyses of the articles and the nature of the false and misleading statements referred to above.

DISPOSITION: January 27, 1947. The Battle Creek Dietetic Supply Company having appeared as claimant, judgment of condemnation was entered and the products were ordered released under bond, with the exception of the pamphlets entitled "Health is Wealth," conditioned that they be brought into compliance with the law, under the supervision of the Food and Drug Administration. The pamphlets were ordered destroyed.

12000. Misbranding of Supermax Multiple Vitamins. U. S. v. 72 Bottles * * * and 200 circulars. (F. D. C. No. 21963. Sample No. 67284–H.)

LIBEL FILED: December 12, 1946, District of Nebraska.

ALLEGED SHIPMENT: On or about October 7, 1946, by Vitamin House, from Birmingham, Ala.

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*See also No. 11854.

PRODUCT: 72 100-capsule bottles of Supermax Multiple Vitamins and 200 circulars entitled "New Exciting Vigor" at Omaha, Nebr.

NATURE OF CHARGE: Misbranding, Section 403 (a). The article was misbranded also under Section 502 (a). The charges under both sections were identical.

The labeling and the nature of the misbranding charge are reported in notices of judgment on drugs and devices, No. 2130.

DISPOSITION: January 29, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

12001–12200

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

OSCAR R. EWING, *Administrator, Federal Security Agency.*

WASHINGTON, D. C., *March 29, 1948.*

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BEVERAGES AND BEVERAGE MATERIALS

12001. Adulteration of ale and beer. U. S. v. 549 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 22311, 22710. Sample Nos. 65596–H, 66208–H, 66209–H.)

LIBELS FILED: February 26 and March 18, 1947, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of November 19 and December 5, 1946, by the Burton Brewing Co., from Patterson, N. J.

PRODUCT: 549 cases, each containing 24 bottles, of beer, 6 cases, each containing 12 bottles, of ale, and 929 cases, each containing 12 bottles, of beer at Collingdale, Pa. The products contained clumps of mold, and portions contained also insect parts and nondescript dirt.

LABEL, IN PART: "Graham's Premium Ale," or "Morlein Premium Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance, and portions consisted also in whole or in part of a filthy substance; and, Section 402 (a) (4), (935 cases) the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 25 and April 15, 1947. The Burton Brewing Co. having appeared as claimant, judgments of condemnation were entered and the products were ordered destroyed. The claimant was permitted to salvage the containers.

12002. Adulteration of beer. U. S. v. 159 Cases * * * (and two other seizure actions). (F. D. C. Nos. 22358, 22447, 22575. Sample Nos. 41237–H, 67718–H, 67901–H, 73365–H, 73366–H.)

LIBELS FILED: On or about January 17 and 29 and February 26, 1947, District of Kansas, Western District of Wisconsin, and Eastern District of Arkansas.

ALLEGED SHIPMENT: Between the approximate dates of September 13 and November 16, 1946, by the Hartig Co., from Watertown, Wis.

PRODUCT: 159 cases at Wichita, Kans., 850 cases at Marked Tree, Ark., and 3,903 cases at Watertown, Wis. The Watertown lot had been shipped to Philadelphia, Pa., but was refused by the consignee and returned to Watertown.

LABEL, IN PART: "Contents 12 Fluid Ounces Wisconsin [or "Old Wisconsin"] Premium Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (Watertown and Marked Tree lots) the Watertown lot consisted in whole or in part of a filthy substance and was otherwise unfit for food by reason of the presence of clumps of mold, rust, and dirt; and the Marked Tree lot was unfit for food due to abnormal taste and color.

Misbranding, Section 403 (e) (2), (all lots) the product failed to bear a label containing an accurate statement of the quantity of the contents, since the bottles contained less than the declared volume.

DISPOSITION: March 19 and May 5, 1947. The Chicago & Northwestern Railway Co. having appeared as claimant for the Watertown lot, and J. G. McDaniels, Jonesboro, Ark., having appeared as claimant for the Marked Tree lot, judgments of condemnation were entered and the product was ordered destroyed. The bottles and cases were ordered salvaged and returned to the claimants.

On January 21, 1947, no claimant having appeared for the Wichita lot, judgment of condemnation was entered and the product was ordered destroyed.

12003. Adulteration of beer. U. S. v. 68 Cases * * *. (F. D. C. No. 22309. Sample No. 90319–H.)

LIBEL FILED: February 25, 1947, District of Columbia.

ALLEGED SHIPMENT: On or about January 16, 1947, by the Paulsam Distributing Co., from Alexandria, Va.

PRODUCT: 68 cases, each containing 24 bottles, of beer at Washington, D. C.

LABEL, IN PART: "Koenig Brau Premium Beer Brewed and Bottled By Prima Bismarck Brewing Co. Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, monochloracetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice.

DISPOSITION: March 21, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12004. Misbranding of beer. U. S. v. 356 Cases * * *. (F. D. C. No. 22171. Sample No. 64656–H.)

LIBEL FILED: January 10, 1947, District of Connecticut.

ALLEGED SHIPMENT: On or about November 29, 1946, by Piel Brothers, from Brooklyn, N. Y.

PRODUCT: 356 cases, each containing 24 bottles, of beer at New Haven, Conn. The product was found to be short-volume.

LABEL, IN PART: "Contents 12 Fluid Ozs. Extra Premium Piel's Light Beer."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 13, 1947. Fred L. Loeser & Co., Inc., New Haven, Conn., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the purpose of

salvaging the containers after the destruction of their contents, under the supervision of the Federal Security Agency.

12005. Adulteration of wine. U. S. v. 387 Cases * * *. (F. D. C. No. 22356. Sample No. 68941–H.)

LIBEL FILED: January 14, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 5, 1946, by the Arthur M. Bloch Liquor Importers, Inc., from Milwaukee, Wis.

PRODUCT: 387 cases, each containing 12 24-ounce bottles, of wine at Chicago, Ill.

LABEL, IN PART: "St. Dennis American Blackberry Flavored Grape Wine."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, monochloracetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and could have been avoided by good manufacturing practice.

DISPOSITION: July 15, 1947. Default decree of condemnation and destruction.

12006. Misbranding of wine. U. S. v. 67 Cases * * * (and 4 other seizure actions). (F. D. C. Nos. 22343, 22463, 22548, 22564, 22730. Sample Nos. 40852–H, 52786–H, 68934–H, 81569–H, 90758–H.)

LIBELS FILED: Within the period from January 9 to March 28, 1947, District of Columbia, Eastern District of Missouri, District of Oregon, Northern District of Illinois, and Northern District of Ohio.

ALLEGED SHIPMENT: Between the approximate dates of April 17 and June 11, 1946, by the Joseph Dudenhoefer Co., from Milwaukee, Wis.

PRODUCT: Wine. 163 cases at Washington, D. C., 9 cases at St. Louis, Mo., 23 cases at Eugene, Oreg., 67 cases at Chicago, Ill., and 13 cases at Cleveland, Ohio. Each case contained 12 fifth-gallon bottles.

LABEL, IN PART: "Dudenhoefer American May Wine."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, monochloracetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and could have been avoided by good manufacturing practice.

DISPOSITION: Between March 28 and June 23, 1947. Default decrees of condemnation and destruction.

12007. Adulteration of orange beverage. U. S. v. Richfield Dairy, Inc. Plea of guilty. Fine, $400. (F. D. C. No. 21479. Sample Nos. 43086–H, 43087–H.)

INFORMATION FILED: April 25, 1947, District of Columbia, against the Richfield Dairy, Inc., Washington, D. C.

ALLEGED VIOLATION: On or about November 11 and 12, 1946, the product was introduced and delivered for introduction into interstate commerce in the District of Columbia.

LABEL, IN PART: "Richfield Dairy, Inc. Bireley's Orange Beverage."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, alkali, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and could have been avoided by good manufacturing practice.

DISPOSITION: May 29, 1947. A plea of guilty having been entered on behalf of the defendant, a fine of $400 was imposed.

12008. Adulteration of canned orange juice. U. S. v. Russell and Decker Company. Plea of nolo contendere. Fine, $1,000. (F. D. C. No. 22097. Sample Nos. 1857–H, 60387–H.)

INFORMATION FILED: June 20, 1947, Southern District of Florida, against the Russell & Decker Co., a corporation, Fort Myers, Fla.

ALLEGED SHIPMENT: On or about April 13 and 20, 1946, from the State of Florida into the States of South Carolina and New York.

LABEL, IN PART: "Russell's Tree Ripe Sweetened [or "Natural"] Orange Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), both shipments consisted in part of a decomposed substance by reason of the presence of mold, and one shipment consisted in part of a filthy substance by reason of the presence of maggots, fruit fly eggs, and insect fragments; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 2, 1947. A plea of nolo contendere having been entered on behalf of the defendant, a fine of $1,000 was imposed.

12009. Adulteration of cola sirup and imitation fruit sirups. U. S. v. 152 Jars * * * (and 2 other seizure actions). (F. D. C. Nos. 22263, 22305, 22651. Sample Nos. 54352–H, 54361–H, 68509–H, 68510–H, 68512–H, 68514–H, 68515–H.)

LIBELS FILED: February 6 and 26 and April 9, 1947, Middle and Western Districts of North Carolina and Western District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of September 17, 1946, and February 15, 1947, by Flavour Industries, Inc., from Chicago, Ill.

PRODUCT: 152 1-gallon jars of cola sirup at North Wilkesboro, N. C.; 55 1-gallon jugs of imitation orange sirup at Charlotte, N. C.; and 35 cases, each containing 4 1-gallon jugs, of imitation lemon, lime, orange, and cherry sirups at Independence, Mo.

LABEL, IN PART: "Leola Cola Syrup," "Imitation Orange Syrup [or "Lemon Syrup," "Lime Syrup," or "Cherry Syrup"]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), saccharin had been mixed and packed with the articles so as to reduce their quality and strength and make them appear better and of greater value than they were.

DISPOSITION: May 5, 21, and 23, 1947. Default decrees of condemnation. The North Wilkesboro and Independence lots were ordered destroyed, and the Charlotte lot was ordered delivered to a public institution.

12010. Adulteration of fountain sirup. U. S. v. 46 Jars * * *. (F. D. C. No. 22111. Sample No. 54338–H.)

LIBEL FILED: December 23, 1946, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about July 26, 1946, by J. J. Brodsky & Sons, from Chicago, Ill.

PRODUCT: 46 1-gallon jars of fountain sirup at Biscoe, N. C.

LABEL, IN PART: "Flavour Industries Inc. Chicago 7, Ill. Leola Cola Syrup."

NATURE OF CHARGE: Adulteration, Section 402(b)(4), saccharin, a substance having no food value, had been added to the article and mixed and packed with it so as to reduce its quality or strength and make it appear to be a fountain sirup sweetened with sugar, which is better and of greater value than the article.

DISPOSITION: March 21, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12011. Adulteration of malt sirup. U. S. v. 92 Drums * * * (and 1 other seizure action). (F. D. C. Nos. 22707, 22726. Sample Nos. 64482–H, 65978–H.)

LIBELS FILED: March 17 and 26, 1947, Eastern Districts of Pennsylvania and New York.

ALLEGED SHIPMENT: On or about February 14 and March 3, 1947, by the Malt Products Corp., from Maywood, N. J.

PRODUCT: 20 700-pound drums of malt sirup at Long Island City, N. Y., and 92 640-pound drums of the same product at Philadelphia, Pa.

LABEL, IN PART: "Superior Maltose Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and rodent hairs; and, Section 402 (a) (4), (Long Island City lot) it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 24 and April 16, 1947. The Malt Products Corp., Maywood, N. J., claimant, having consented to the entry of a decree, judgments of condemnation were entered. It was ordered that the Philadelphia lot be

released under bond, conditioned that the fit portion be converted into animal feed and that the unfit portion be destroyed. The Long Island City lot was ordered destroyed.

12012. Adulteration of malt sirup. U. S. v. 24 Drums * * *. (F. D. C. No. 22426. Sample No. 54102–H.)

LIBEL FILED: January 23, 1947, Southern District of Indiana.

ALLEGED SHIPMENT: On or about November 22, 1946, by the Waverly Sugar Co., from Waverly, Iowa.

PRODUCT: 24 drums, each containing 55 gallons, of malt sirup at Indianapolis, Ind.

LABEL, IN PART: "Waverly Sugar Co. Wascose Gold Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its phenol-like odor and taste.

DISPOSITION: May 2, 1947. Default decree of forfeiture and destruction.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

12013. Adulteration of bakery products. U. S. v. Eddy Bakery Company. Plea of guilty. Fine, $300. (F. D. C. No. 22080. Sample Nos. 50866–H to 50873–H, incl.)

INFORMATION FILED: May 20, 1947, Western District of Wisconsin, against the Eddy Bakery Co., a corporation, Superior, Wis.

ALLEGED SHIPMENT: On or about January 29 and 30, 1947, from the State of Wisconsin into the State of Minnesota.

LABEL, IN PART: "Piggly Wiggly White Sliced * * * Enriched Bread," "Leamon's * * * Hollywood Bread," "Mrs. Leamon's Old Fashioned Bread," "Eddy's Sandwich Buns," or "Sally Ann Cakes * * * Sweet Rolls."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insects, insect fragments, rodent hair fragments, and feather fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: July 14, 1947. A plea of guilty having been entered, the court imposed a fine of $150 on each of the 2 counts of the information.

12014. Adulteration of cookies. U. S. v. 56 Cartons * * *. (F. D. C. No. 22290. Sample No. 64868–H.)

LIBEL FILED: February 17, 1947, Eastern District of New York.

ALLEGED SHIPMENT: On or about January 29, 1947, by the D. F. Stauffer Biscuit Co., Inc., from York, Pa.

PRODUCT: 56 4½-pound cartons of cookies at Brooklyn, N. Y.

LABEL, IN PART: "Dainties * * * Distributed by Atlantic Biscuit Co. Brooklyn, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 17, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12015. Adulteration and misbranding of vanilla wafers. U. S. v. 40 Cartons * * *. (F. D. C. No. 22527. Sample No. 67997–H.)

LIBEL FILED: On or about February 20, 1947, Western District of Missouri.

ALLEGED SHIPMENT: On or about December 9, 1946, by Holland Maid Bakeries, from Tulsa, Okla.

PRODUCT: 40 cartons, each containing 30 5½- or 6-ounce packages, of vanilla wafers at Clinton, Mo.

LABEL, IN PART: "Holland Maid Vanilla Wafers Net Weight 5½ ozs. [or "6 ozs."] or over."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

Misbranding (6-ounce packages), Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. The label statement "Net Weight 6 ozs. or over" was inaccurate, since the article was short-weight.

DISPOSITION: April 25, 1947. Default decree of condemnation and destruction.

12016. Adulteration of Oysterettes and Saltines. U. S. v. 17 Boxes * * *. (F. D. C. No. 22291. Sample Nos. 64861–H, 64862–H.)

LIBEL FILED: February 19, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about January 22, 1947, by the D. F. Stauffer Biscuit Co., from York, Pa.

PRODUCT: 17 8-pound boxes of Oysterettes and 64 7-pound cartons of Saltines at New York, N. Y.

LABEL, IN PART: "S. Dots [or "Saltines"] Distributed by Supreme Distributing Co. Bronx 61, New York."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: March 7, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12017. Adulteration of soda crackers. U. S. v. 28,000 pounds * * *. (F. D. C. No. 22440. Sample No. 44678–H.)

LIBEL FILED: January 28, 1947, Southern District of California.

ALLEGED SHIPMENT: On or about December 23, 1946, from Oakland, Calif.

PRODUCT: Approximately 28,000 pounds of soda crackers in 1- and 2-pound boxes at Los Angeles, Calif., in possession of the Southern Pacific Railway Co. The product consisted of a carload lot originally consigned to Phoenix, Ariz. En route, it was discovered that the lot was insect-infested. Small brown beetles were seen in abundance throughout the car, which was diverted to Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles.

DISPOSITION: February 18, 1947. The Southern Pacific Company, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be disposed of in compliance with the law, under the supervision of the Federal Security Agency. An effort to segregate the good from the bad having been unsuccessful, the product was destroyed.

CORN MEAL

12018. Adulteration of corn meal. U. S. v. The O. A. Cooper Co., Inc. Plea of guilty. Fine, $50 and costs. (F. D. C. No. 22074. Sample No. 49133–H.)

INFORMATION FILED: May 7, 1947, District of Nebraska, against the O. A. Cooper Co., Inc., Humboldt, Nebr.

ALLEGED SHIPMENT: On or about October 19, 1946, from the State of Nebraska into the State of Texas.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rat or mouse excreta fragments, rat or mouse hairs, insects, and insect parts.

DISPOSITION: May 27, 1947. A plea of guilty having been entered, the court imposed a fine of $50, plus costs.

12019. Adulteration of corn meal. U. S. v. George H. Schaaf (Schaaf's Mill and Feed Store). Plea of guilty. Fine, $3 and costs. (F. D. C. No. 22065 Sample Nos. 39658–H, 39659–H, 39662–H, 39663–H.)

INFORMATION FILED: May 28, 1947, Southern District of Iowa, against George H. Schaaf, doing business as Schaaf's Mill and Feed Store, Des Moines, Iowa.

ALLEGED SHIPMENT: On or about July 11 and August 10 and 15, 1946, from the State of Iowa into the State of Illinois.

LABEL, IN PART: "Schaaf's White [or "Yellow"] Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent excreta fragments.

DISPOSITION: June 17, 1947. The defendant having entered a plea of guilty, the court imposed a fine of $3, plus costs.

FLOUR

12020. Adulteration of corn flour. U. S. v. 50 Bags * * *. (F. D. C. No. 22477. Sample No. 61307–H.)

LIBEL FILED: February 4, 1947, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 27, 1946, from Decatur, Ill.

PRODUCT: 50 100-pound bags of corn flour at Pittsburgh, Pa., in possession of the Duquesne Warehouse Co. The product was stored under insanitary conditions after shipment. Three bags were torn, one of them having been rodent-gnawed. Rodent excreta was observed on the bags, and examination showed that the article contained rodent excreta and rodent hair fragments.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 27, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12021. Adulteration of self-rising pancake flour. U. S. v. Doud Milling Co., a corporation, and Herbert L. Fitch. Pleas of guilty. Corporation fined $800; individual fined $20. (F. D. C. No. 22088. Sample Nos. 52034–H, 52035–H, 73425–H, 73426–H.)

INDICTMENT RETURNED: August 27, 1947, Northern District of Iowa, against the Doud Milling Co., Denison, Iowa, and Herbert L. Fitch, secretary-treasurer of the corporation.

ALLEGED SHIPMENT: On or about December 9, 11, and 12, 1946, from the State of Iowa into the States of Nebraska and Minnesota.

LABEL, IN PART: "Enriched * * * Fidelity * * * Whole Wheat Self Rising Pancake Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, mites, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 21, 1947. Pleas of guilty having been entered on behalf of the defendants, the corporation was fined $800 and the individual defendant $20.

MACARONI AND NOODLE PRODUCTS

12022. Adulteration of macaroni and noodle products. U. S. v. The Creamette Company and Carlysle L. Norris. Pleas of guilty. Corporation fined $750; individual fined $250. (F. D. C. No. 22066. Sample Nos. 51962–H, 73357–H to 73359–H, incl.)

INFORMATION FILED: May 15, 1947, District of Minnesota, against the Creamette Co., a corporation, Minneapolis, Minn., and Carlysle L. Norris, vice president.

ALLEGED SHIPMENT: On or about November 27 and December 6, 1946, from the State of Minnesota into the State of Wisconsin.

LABEL, IN PART: "Mother's * * * [Various types of macaroni and noodle products]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insects, insect fragments, rodent hair fragments, and cat hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: August 15, 1947. Pleas of guilty having been entered, the court imposed fines of $750 against the corporation and $250 against the individual defendant.

12023. Adulteration of macaroni and noodle products. U. S. v. 146 Cartons * * * (and 1 other seizure action). (F. D. C. Nos. 22435, 22769. Sample Nos. 62462–H, 62488–H to 62491–H, incl.)

LIBELS FILED: January 27 and March 25, 1947, District of Nevada.

ALLEGED SHIPMENT: Between the approximate dates of November 12, 1946, and January 14, 1947, by Roma Macaroni Factory, from San Francisco, Calif.

PRODUCT: 310 6- and 10-pound cartons and 42 cases, each containing 12 1-, 1¾-, or 2-pound bags, of macaroni and noodle products at Reno, Nev.

LABEL, IN PART: "Roma Products Semolina," "Roma Quality Semolina Macaroni Products," "Roma Egg Farfalle," "Roma Egg Noodles," "Ditalini," "Capellini," "Shells," "Mostaciol," "Coiled Reginini," "Stelle," "Elbow Macaroni," "Alphabet," or "Grandine."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence (in 216 cases) of rodent hair fragments and (in 146 cartons) of insect parts and rodent hairs; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: February 19 and April 7, 1947. No claimant having appeared for either lot, judgments of condemnation were entered and the products were ordered destroyed.

12024. Adulteration of macaroni and noodle products. U. S. v. 139 Cases * * *. (F. D. C. No. 22312. Sample Nos. 65669–H to 65671–H, incl.)

LIBEL FILED: On or about March 5, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about January 26, 1947, by the Philadelphia Macaroni Co., Inc., from Philadelphia, Pa.

PRODUCT: 20 cases, each containing 12 12-ounce bags, of egg noodles, 94 cases, each containing 30 1-pound bags, of spaghettini, and 25 cases, each containing 24 10-ounce bags, of macaroni at Atlantic City, N. J.

LABEL, IN PART: "Unica Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect parts; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: March 28, 1947. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

12025. Adulteration of noodles. U. S. v. 15 Cartons * * *. (F. D. C. No. 22650. Sample No. 91908–H.)

LIBEL FILED: April 2, 1947, District of Wyoming.

ALLEGED SHIPMENT: On or about February 18, 1947, by the Denver Noodle Co., from Denver, Colo.

PRODUCT: 15 30-pound cartons of noodles at Sheridan, Wyo. Examination showed that the product contained rodent hairs.

LABEL, IN PART: "Plain Chinese Noodles."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been packed under insanitary conditions.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for noodles, in that it contained less than 5.5 percent by weight of the solids of eggs or egg yolks.

DISPOSITION: May 26, 1947. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

12026. Adulteration of egg noodles. U. S. v. 54 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 22399, 22600. Sample Nos. 54104–H, 60440–H.)

LIBELS FILED: January 17 and March 7, 1947, Western District of New York and Southern District of Indiana.

ALLEGED SHIPMENT: Between the approximate dates of August 16, 1946, and January 3, 1947, by the Weiss Noodle Co., from Cleveland, Ohio.

PRODUCT: 54 cases, each containing 12 1-pound cartons, of noodles at Buffalo, N. Y., and 10 cases, each containing 24 14-ounce packages, of the same product at Indianapolis, Ind.

LABEL, IN PART: "Buckeye Pure Egg Noodles," or "Cooks Egg Noodles."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: February 10 and April 11, 1947. Default decrees of condemnation and destruction.

12027. Adulteration and misbranding of spaghetti dinner and adulteration of egg noodles and macaroni. U. S. v. Philadelphia Macaroni Company, Inc., and Louis Roncace. Corporation fined $500; individual defendant given suspended sentence and placed on probation for 3 months. (F. D. C. No. 22081. Sample Nos. 66038–H, 66039–H, 66045–H.)

INFORMATION FILED: June 18, 1947, Eastern District of Pennsylvania, against the Philadelphia Macaroni Co., Inc., Philadelphia, Pa., and Louis Roncace, secretary.

ALLEGED SHIPMENT: On or about October 17, 1946, and January 13 and 14, 1947, from the State of Pennsylvania into the State of New Jersey.

LABEL, IN PART: "Italian Spaghetti Dinner King Midas," "Shots," or "Pure Egg Noodles."

NATURE OF CHARGE: Italian Spaghetti Dinner. Adulteration, Section 402 (b) (2), a substance high in lactose had been substituted in whole or in part for grated cheese in the article. Misbranding, Section 403 (a), the label statements "grated cheese" and "grated Roman cheese" were false and misleading since they represented and suggested that the cheese product contained in the article consisted solely of grated cheese, whereas it consisted in part of a substance high in lactose; and, Section 403 (i) (2), the label of the article failed to bear the common or usual name of each of its ingredients.

Macaroni and egg noodles. Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: July 23, 1947. Pleas of guilty having been entered on behalf of the corporation and the individual defendant, the court imposed a fine of $500 against the corporate defendant. The individual defendant received a suspended sentence and was placed on probation for 3 months.

12028. Adulteration and misbranding of spaghetti dinner. U. S. v. 18 Cases * * *. (F. D. C. No. 22276. Sample No. 66045–H.)

LIBEL FILED: On or about February 14, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about October 18, 1946, by the Philadelphia Macaroni Co., from Philadelphia, Pa.

PRODUCT: 18 cases, each containing 12 packages of spaghetti dinner at Camden, N. J. The packages contained spaghetti, a bottle of sauce, and a shaker-type bottle of a grated cheese product. Examination showed that the cheese product contained approximately 18.5 percent lactose, indicating the presence of a milk product other than cheese.

LABEL, IN PART: "Italian Spaghetti Dinner King Midas."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance high in lactose has been substituted in whole or in part for grated cheese.

Misbranding, Section 403 (a), the statements on the package "Grated Cheese" and "Grated Roman Cheese" were false and misleading.

DISPOSITION: March 14, 1947. No claimant having appeared, judgment of condemnation was entered. The product was ordered delivered to a charitable institution, conditioned that the labels be destroyed.

MISCELLANEOUS CEREAL PRODUCTS

12029. Adulteration of oatmeal. U. S. v. 65 Bags * * *. (F. D. C. No. 22148. Sample No. 54345–H.)

LIBEL FILED: January 2, 1947, Western District of North Carolina.

ALLEGED SHIPMENT: On or about June 12, 1946, from Lockport, Ill.

PRODUCT: 65 100-pound bags of oatmeal at Charlotte, N. C., in possession of the Carolina Transfer and Storage Co. The product was stored under insanitary conditions. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the article contained rodent urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 3, 1947. Carolina Bakers Supply, Inc., Charlotte, N. C., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed, under the supervision of the Food and Drug Administration.

12030. Adulteration of popcorn. U. S. v. 71 Bales * * *. (F. D. C. No. 22547. Sample Nos. 68050–H, 68055–H.)

LIBEL FILED: February 25, 1947, District of Nebraska.

ALLEGED SHIPMENT: On or about February 3, 1947, by Charles Penzer, from Marne, Iowa.

PRODUCT: 71 bales of popcorn in 1- and 2-pound cellophane bags at Omaha, Nebr.

LABEL, IN PART: "Yellow Popcorn Packed By Merchants Wholesale Groc. Co. Omaha."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, rodent excreta, manure, and nondescript dirt.

DISPOSITION: April 11, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12031. Adulteration and misbranding of Honey Coated Cereal. U. S. v. 334 Cases * * *. (F. D. C. No. 22146. Sample No. 65652–H.)

LIBEL FILED: January 3, 1947, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 27, 1946, by Purity Mills, Inc., from Dixon, Ill.

PRODUCT: 334 cases, each containing 24 6-ounce bags, of Honey Coated Cereal at Philadelphia, Pa.

LABEL, IN PART: "Gold Seal Brand Honey Munch Honey Coated Cereal * * * Contents: Sugar, Honey, Wheat."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), puffed wheat, coated with sweetening ingredients other than honey and containing little or no flavor of honey, had been substituted for a honey-coated article.

Misbranding, Section 403 (a), the label designation "Honey Munch," the label statement "Honey Coated Cereal," and the design of a box of honey in the comb on the label were false and misleading.

DISPOSITION: February 3, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

CHOCOLATE AND SACCHARINE PRODUCTS

12032. Misbranding of Chocolate Candy Cup. U. S. v. 60 Boxes * * *. (F. D. C. No. 22275. Sample No. 3979–H.)

LIBEL FILED: On or about February 14, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about January 14, 1947, by the Chex Co., from Philadelphia, Pa.

PRODUCT: 60 boxes, each containing 24 ¾-ounce bags, of Chocolate Candy Cups at Camden, N. J. Examination showed that the product was a cup-shaped confection, consisting essentially of sirup-coated popcorn with a small amount of sweet chocolate coating on top. It had no distinctive flavor of honey, and it was short-weight.

LABEL, IN PART: "Snow Drift Chocolate Candy Cup net wt. ¾ oz. Chocolate, Honey & Popcorn."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Chocolate Candy Cup" was false and misleading as applied to sirup-coated popcorn with a small amount of sweet chocolate on top only; and the label statement "Chocolate, Honey & Popcorn" was misleading by reason of the order in which the ingredients were listed, since chocolate and honey were present only in small amounts. Further misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents.

DISPOSITION: March 14, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

12033. Adulteration and misbranding of candy. U. S. v. 4 Cartons * * *. (F. D. C. No. 22646. Sample No. 91971–H.)

LIBEL FILED: March 26, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about October 28, 1946, by the L. R. Stone Co., Inc., from Los Angeles, Calif.

PRODUCT: 4 20-pound cartons of pecan rolls at Pueblo, Colo. Examination showed that the article contained walnuts, but no pecans, and that it contained also a coal-tar color, lithol red, not certifiable for use in foods, which had been absorbed from the printed wrapper of the candy.

LABEL, IN PART: "Delmar Miniature Pecan Rolls."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, pecans, had been in whole or in part omitted from the article; and, Section 402 (c), the article contained a coal-tar color that had not been listed for food in accordance with the regulations, and was other than one from a batch that had been certified.

Misbranding, Section 402 (a), the label designation "Pecan Rolls" was false and misleading.

DISPOSITION: April 9, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12034. Adulteration and misbranding of candy. U. S. v. 37 Cases, etc. (F. D. C. No. 22402. Sample Nos. 81527–H, 81528–H, 81532–H, 81533–H.)

LIBEL FILED: On or about February 13, 1947, District of Oregon.

ALLEGED SHIPMENT: On or about November 23, 1946, by L. R. Stone Co., Inc., from Los Angeles, Calif.

PRODUCT: 37 cases, each containing 48 bags, of Nougat Croquettes and 4 cases, each containing 48 bags, of pecan rolls at Portland, Oreg. Examination showed that both products were short-weight, and that the pecan rolls contained walnut meats and no pecan meats.

LABEL, IN PART: "Hollywood Sweets Brand Fresh Nougat Croquette Net Wt. 8 Ozs. [or "Miniature Pecan Rolls Net Wt. 8 Ozs."]."

NATURE OF CHARGE: Pecan Rolls. Adulteration, Section 402 (b) (1), a valuable constituent, pecans, had been in whole or in part omitted from the article. Misbranding, Section 403 (a), the designation "Pecan Rolls" was false and misleading.

Both articles. Misbranding, Section 403 (e) (2), they failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 3, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable organization.

12035. Adulteration and misbranding of candy bars. U. S. v. 53 Boxes * * *. (F. D. C. No. 22706. Sample No. 54372–H.)

LIBEL FILED: March 24, 1947, Western District of North Carolina.

ALLEGED SHIPMENT: On or about January 22, 1947, by the Sunshine Peanut Butter Co., from Atlanta, Ga.

PRODUCT: 53 boxes containing 36 1½-ounce candy bars at Charlotte, N. C.

LABEL, IN PART: "Cocoanut Cream Bar Made of * * * Maize."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, coconut, had been in whole or in part omitted from the article; Section 402 (b) (3), inferiority had been concealed by the use of cornflakes; and, Section 402 (b) (4), cornflakes had been mixed with the article so as to make it appear better and of greater value than it was, since cornflakes had the appearance of coconut in the product.

Misbranding, Section 403 (a), the label designation "Cocoanut Cream Bar" was misleading as applied to an article containing little, if any, coconut; and, Section 403 (i) (2), the label of the article failed to bear the common or usual name of each of its ingredients, since "Maize" is not the common or usual name for cornflakes.

DISPOSITION: May 5, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12036. Misbranding of candy bars. U. S. v. 70 Boxes * * *. (F. D. C. No. 22716. Sample No. 65499–H.)

LIBEL FILED: March 19, 1947, District of Delaware.

ALLEGED SHIPMENT: On or about February 21, 1947, by Lummis & Co., from Philadelphia, Pa.

PRODUCT: 70 boxes each containing 24 candy bars at Laurel, Del. Examination showed that the product was short-weight.

LABEL, IN PART: "Lummis Peanut Bar * * * Net Wt. 1½ Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the labeling of the article failed to contain an accurate statement of the quantity of the contents.

DISPOSITION: April 8, 1947. No claimant having appeared, judgment was entered and the product was ordered delivered to a charitable institution.

12037. Misbranding of candy bars. U. S. v. 178 Cartons * * *. (F. D. C. No. 22702. Sample No. 1994–H.)

LIBEL FILED: On or about March 25, 1947, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about February 11 and 18, 1947, by the Premium Candy and Baking Co., from Fayetteville, N. C.

PRODUCT: 178 cartons each containing 30 candy bars at Columbia, S. C.

LABEL, IN PART: "Premium Fudge Bar * * * Net Wt. 1-¾ Oz."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Fudge Bar" was false and misleading; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The product was a peanut candy bar, and it was short-weight.)

DISPOSITION: May 12, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12038. Misbranding of candy mints. U. S. v. 85 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 22499, 22631, 23005. Sample Nos. 41575–H, 67584–H, 82638–H.)

LIBELS FILED: February 6, March 12, and April 29, 1947, Eastern District of Missouri, Western District of Oklahoma, and District of Oregon.

ALLEGED SHIPMENT: On or about November 27 and December 16 and 18, 1946, by the Associated Foods Co., from Philadelphia, Pa.

PRODUCT: Candy mints. 85 cases and 14 cases, each containing 48 8-ounce packages, at St. Louis, Mo., and Oklahoma City, Okla., respectively; and 12 cases, each containing 24 1-pound boxes, at Portland, Oreg. Examination showed that the product was contained in two types of boxes, one of which had a false bottom occupying about 35 to 38 percent of the volume of the box. The other had no false bottom, but the candy occupied only about 78 percent of the volume of the box.

LABEL, IN PART: "Majesty Creamy Mints Net Weight 8 ounces [or "1 Lb."]."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container of the article was so made, formed, and filled as to be misleading since the package appeared to hold substantially more candy than was contained in it.

DISPOSITION: February 25, May 1, and July 7, 1947. Associated Foods having appeared as claimant for the St. Louis lot, and no claimants having appeared for the other two lots, judgments of condemnation were entered. The St. Louis lot was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency, and the other two lots were ordered delivered to charitable institutions.

12039. Adulteration of chocolate flavor. U. S. v. 1 Drum * * * (and 1 other seizure action). (F. D. C. Nos. 22133, 22168. Sample Nos. 64264–H, 64975–H, 64976–H.)

LIBELS FILED: December 31, 1946, and January 8, 1947, Eastern District of New York.

ALLEGED SHIPMENT: Between the approximate dates of November 13 and 21, 1946, by the Hooton Chocolate Co., from Newark, N. J.

PRODUCT: 1 75-pound drum and 12 100-pound drums of chocolate flavor at Long Island City and Brooklyn, N. Y., respectively.

LABEL, IN PART: "Orinoco Choc. Flavor."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence (1 drum) of insect fragments and rodent hair fragments and (12 drums) of rodent hair fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 17, 1947. No claimant having appeared for either lot, judgments of condemnation were entered and the product was ordered destroyed.

12040. Adulteration of chocolate flavoring. U. S. v. 30 Packages * * *. (F. D. C. No. 22454. Sample No. 75103–H.)

LIBEL FILED: January 31, 1947, Northern District of California.

ALLEGED SHIPMENT: On or about November 12, 1946, by the Hood Products Corp., from New York, N. Y.

PRODUCT: 30 1-pound packages of chocolate flavoring at San Francisco, Calif.

LABEL, IN PART: "Cal-Par Chocolate Flavor Prepared by Cal-Par Corporation New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 5, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12041. Misbranding of chocolate-flavored sirup. U. S. v. 8 Cans * * *. (F. D. C. No. 22683. Sample No. 57682–H.)

LIBEL FILED: March 6, 1947, District of Maine.

ALLEGED SHIPMENT: On or about December 9, 1946, by the Rose Specialty Products, from New York, N. Y.

PRODUCT: 8 8-pound cans of chocolate-flavored sirup at Bangor, Maine.

LABEL, IN PART: (Cans) "Orchid Brand Bitter Sweet Chocolate Flavored Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (a), the word "Chocolate," which appeared in prominent type on the label, was misleading since it implied that the article had a substantial chocolate content; the statement "Chocolate Liquor," which appeared in the label list of ingredients, was misleading as applied to a product which contained a low-fat cocoa with no, or an insignificant amount of, chocolate; and the label statement "Bitter Sweet" was misleading since it is widely used to indicate a type of chocolate but never a type of cocoa.

Further misbranding, Section 403 (e) (1), the label of the article failed to contain the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (k), the article contained artificial flavoring and

failed to bear labeling stating the fact (It contained vanillin, an artificial flavor).

DISPOSITION: July 16, 1947. Default decree of condemnation. The product was ordered delivered to a public institution.

12042. Adulteration of honey. U. S. v. 400 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 22310, 22782, 22783, 22812. Sample Nos. 40494–H, 40495–H, 50855–H, 60986–H.)

LIBELS FILED: February 28, March 27, and April 3, 1947, District of New Jersey, Eastern District of Missouri, Eastern District of Illinois, and Western District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of December 24, 1946, and February 4, 1947, by Harrison Wholesalers, from Harrison, N. J. The shipment of December 24 was refused by the consignee and was returned to the shipper.

PRODUCT: Honey. 400 cases at Harrison, N. J., 37 cases at St. Louis, Mo., 25 cases at O'Fallon, Ill., and 7 cases at Johnstown, Pa. Each case contained 48 1-pound cans.

LABEL, IN PART: "UN-I-CO Brand Pure Bee Honey * * * Packed by Universal Investment Co. * * * Habana, Cuba."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of being fermented.

DISPOSITION: April 28 and May 28, 1947. No claimant having appeared for the Pennsylvania lot, and the cases against the other lots having been consolidated, and Harrison Wholesalers, claimant for these other lots having admitted the allegations of the libels against such lots, judgments of condemnation were entered. The Pennsylvania lot was ordered destroyed, and the other lots were ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

12043. Adulteration and misbranding of maple sirup. U. S. v. 74 Bottles * * *. (F. D. C. No. 22238. Sample No. 91041–H.)

LIBEL FILED: February 5, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about October 31, 1946, by Zall & Levinson, from Newark, N. J.

PRODUCT: 74 1-quart bottles of maple sirup at New York, N. Y.

LABEL, IN PART: Vermont Maple Syrup Pure Exclusive Distributors Burlington, Vt. St. Johns Boro."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, maple sirup, had been in whole or in part omitted from the article; Section 402 (b) (2), an artificially flavored sugar sirup containing little, if any, maple sirup had been substituted in whole or in part for maple sirup; Section 402 (b) (3), inferiority had been concealed by the addition of an artificial flavoring; and, Section 402 (b) (4), artificial flavoring had been added to the article and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the label statement "Vermont Maple Syrup Pure" was false and misleading; Section 403 (e), the label of the article failed to contain the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (i) (2), the label of the article failed to bear the common or usual name of each ingredient; and, Section 403 (k), the article contained artificial flavoring and failed to bear labeling stating that fact.

DISPOSITION: March 8, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

12044. Adulteration of maple sirup. U. S. v. 89 Bottles. (F. D. C. No. 22197. Sample No. 76077–H.)

LIBEL FILED: January 22, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about December 31, 1946, by Theodore Zall, Newark, N. J.

PRODUCT: 89 1-quart bottles of maple sirup at New York, N. Y.

LABEL, IN PART: "Vermont Maple Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, maple sirup, had been in whole or in part omitted from the article; Section 402 (b) (2), an artificially flavored and colored sugar sirup containing little, if any, maple sirup had been substituted in whole or in part for maple sirup; Section 402 (b) (3), inferiority had been concealed by the addition of artificial flavoring and coloring; and, Section 402 (b) (4), artificial flavoring and coloring had been added to the article and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the label statement "Vermont Maple Syrup" was false and misleading; Section 403 (e), the label of the article failed to contain the name and place of business of the manfacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (i) (2), the label of the article failed to bear the common or usual name of each of the ingredients; and, Section 403 (k), the article contained artificial flavoring and artificial coloring and failed to bear a label stating that fact.

DISPOSITION: March 17, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution after the labeling had been defaced or removed.

12045. Adulteration and misbranding of maple sirup. U. S. v. 18 Jugs * * *. (F. D. C. No. 22196. Sample No. 76078–H.)

LIBEL FILED: January 22, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about April 18, 1946, by H. Axt, from Newark, N. J.

PRODUCT: 18 1-quart jugs of maple sirup at New York, N. Y.

LABEL, IN PART: "Vermont Maple Syrup Pure."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, maple sirup, had been in whole or in part omitted from the article; Section 402 (b) (2), artificially flavored corn and sugar sirup containing little, if any, maple sirup had been substituted in whole or in part for maple sirup; Section 402 (b) (3), inferiority had been concealed by the addition of artificial flavoring; and, Section 402 (b) (4), artificial flavoring had been added to the article and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the label statement "Vermont Maple Syrup Pure" was false and misleading; Section 403 (e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (i) (2), it was fabricated from two or more ingredients, and the label failed to bear the common or usual name of each such ingredient; and, Section 403 (a), it contained artificial flavoring and a chemical preservative and failed to bear labeling stating those facts.

DISPOSITION: March 17, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution after the labeling had been defaced or removed.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, **Nos. 12046 to 12049**; that was below the legal standard for milk fat content, **Nos. 12050 to 12060**; and that was short of the declared weight, **Nos. 12059 to 12062.**

12046. Adulteration of butter. U. S. v. 15 Tubs * * * (and 1 other seizure action). (F. D. C. Nos. 22671, 22765. Sample Nos. 40074–H, 40080–H, 50595–H.)

LIBELS FILED: January 27 and February 19, 1947, Eastern District of Illinois and Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about June 27, 1946, and February 8, 1947, by the Sugar Creek Creamery Co., from St. Louis, Mo., and Russellville, Ark.

PRODUCT: 15 tubs, each containing 66 pounds, of butter at National Stock Yards, Ill., and 104 cases, each containing 32 1-pound cartons, of butter at New Orleans, La. Examination showed that the product contained mold mycelia.

LABEL, IN PART: "Butter Distributed by Sugar Creek Creamery Company Danville, Illinois," or "Clear Brook Creamery Butter Distributed by Wilson & Co., General Offices, Chicago, Illinois."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed animal substance.

DISPOSITION: February 26 and March 25, 1947. The Sugar Creek Creamery Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be converted into butter oil, under the supervision of the Federal Security Agency.

12047. Adulteration of butter. U. S. v. 10 Cases * * *. (F. D. C. No. 22128. Sample No. 57492–H.)

LIBEL FILED: On or about November 25, 1946, District of Vermont.

ALLEGED SHIPMENT: On or about November 13, 1946, by Breakstone Brothers, from New York, N. Y.

PRODUCT: 10 cases, each containing 32 1-pound prints, of butter at Burlington, Vt. Examination showed that the product contained mold and that it was rancid.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, and decomposed substance.

DISPOSITION: March 11, 1947. Default decree of forfeiture and destruction.

12048. Adulteration of butter. U. S. v. 1,404 Cases * * *. (F. D. C. No. 22127. Sample No. 56562–H.)

LIBEL FILED: September 3, 1946, District of Kansas.

ALLEGED SHIPMENT: On or about July 31, 1946, by the Pruitt Produce Co., from Ardmore, Okla.

PRODUCT: 1,404 32-pound cases of butter at Ardmore, Okla. The product was found to contain mold.

LABEL, IN PART: "Pruitt's Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy or decomposed animal substance.

DISPOSITION: December 5, 1946. The Pruitt Produce Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the fit portion be separated from the unfit and that both portions be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. That portion of the product containing mold was converted into butter oil.

12049. Adulteration of process butter. U. S. v. 12 Cases * * *. (F. D. C. No. 22123. Sample No. 49239–H.)

LIBEL FILED: October 16, 1946, Eastern District of Louisiana.

ALLEGED SHIPMENT: September 30, 1946, by the Rosemary Creamery, Inc., from Atlanta, Ga.

PRODUCT: 12 30-pound cases of process butter at New Orleans, La. Analysis showed that the product contained insects, insect parts, insect excreta, rodent hair fragments, and feather fragments.

LABEL, IN PART: "Process Butter Roseleaf Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance.

DISPOSITION: January 31, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12050. Adulteration of butter. U. S. v. Green Mountain Dairy Products, Inc. Plea of guilty; fine, $400. (F. D. C. No. 22101. Sample Nos. 57474–H, 57475–H.)

INFORMATION FILED: June 18, 1947, District of Vermont, against the Green Mountain Dairy Products, Inc., Burlington, Vt.

ALLEGED SHIPMENT: On or about September 5 and 9, 1946, from the State of Vermont into the State of Massachusetts.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 16, 1947. A plea of guilty having been entered on behalf of the defendant, a fine of $400 was imposed.

12051. Adulteration of butter. U. S. v. 2,742 Pounds * * *. (F. D. C. No. 22121. Sample No. 39783–H.)

LIBEL FILED: November 13, 1946, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about October 8, 1946, by Model Dairy, from Bowling Green, Ohio.

PRODUCT: 2,742 pounds of butter at Wyandotte, Mich.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 26, 1946. The Model Dairy Co., Bowling Green, Ohio, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked so as to bring it into compliance with the law, under the supervision of the Federal Security Agency. The butter was reworked.

12052. Adulteration of butter. U. S. v. 6 64-Pound Cartons * * *. (F. D. C. No. 22126. Sample No. 51780–H.)

LIBEL FILED: November 4, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 22, 1946, by the Hillman Coop. Creamery, from Hillman, Minn.

PRODUCT: 6 64-pound cartons of butter at Philadelphia, Pa.

LABEL, IN PART: "Butter * * * Distributed by C. W. Dunnet and Co., Phila., Pa."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 15, 1946. C. W. Dunnet and Co., Philadelphia, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked under the supervision of the Food and Drug Administration.

12053. Adulteration of butter. U. S. v. 59 Cases, etc. (F. D. C. No. 22204. Sample No. 39016–H.)

LIBEL FILED: January 3, 1947, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about November 16 and 26, 1946, by the National Cheese Co., from Chicago, Ill.

PRODUCT: 59 cases, each containing 32 ½-pound packages, of butter and 22 ½-pound packages of the product at Detroit, Mich.

LABEL, IN PART: "Daisy Brand Whipped Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: March 3, 1947. The National Cheese Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency.

12054. Adulteration of butter. U. S. v. 27 Cartons (1,728) pounds * * *. (F. D. C. No. 23532. Sample No. 86957–H.)

LIBEL FILED: July 2, 1947, District of Minnesota.

ALLEGED SHIPMENT: On or about June 7, 1947, by the Land O'Lakes Creameries, Inc., from Thief River Falls, Minn.

PRODUCT: 27 64-pound cartons of butter, at Duluth, Minn., which had been manufactured by the Farmers Union Cooperative Creamery, Portland, N. Dak.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: September 2, 1947. The Farmers Union Cooperative Creamery, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Federal Security Agency.

12055. Adulteration of butter. U. S. v. 11 Boxes (704 pounds) * * *. (F. D. C. No. 22673. Sample No. 77103–H.)

LIBEL FILED: January 27, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 16, 1947, by the Griggs County Creamery, from Cooperstown, N. Dak.

PRODUCT: 11 64-pound boxes of butter at Chicago, Ill.

LABEL, IN PART: "Creamery Butter Distributed by 31 Meadowlands Creameries Inc., Chicago, Illinois."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: April 14, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed. On April 18, 1947, the decree was amended to permit use of the product for human food.

12056. Adulteration of butter. U. S. v. 52 Cartons * * * (and 1 other seizure action; 4,288 pounds total). (F. D. C. Nos. 22676, 22889. Sample Nos. 53173–H, 53835–H.)

LIBELS FILED: February 3, 1947, Southern District of Ohio.

ALLEGED SHIPMENT: On or about June 7 and 11, 1946, by Wayne Dairy, from Richmond, Ind.

PRODUCT: 67 64-pound cartons of butter at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: March 10, 1947. Wayne Dairy Products, Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be reworked under the supervision of the Food and Drug Administration.

12057. Adulteration of butter. U. S. v. 25 Cartons (1,600 pounds) * * *. (F. D. C. No. 22677. Sample Nos. 53175–H, 53836–H.)

LIBEL FILED: January 31, 1947, Southern District of Ohio.

ALLEGED SHIPMENT: On or about July 12, 1946, by the S. S. Borden Co., from Chicago, Ill.

PRODUCT: 25 64-pound cartons of butter at Cincinnati, Ohio.

LABEL, IN PART: "Creamery Butter Distributed by Meadowlands Creameries, Inc., Chicago, Illinois."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: March 14, 1947. The Tri-State Butter Co., Cincinnati, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked in order to comply with the law, under the supervision of the Food and Drug Administration.

12058. Adulteration of butter. U. S. v. 26 Cubes (1,664 pounds) * * *. (F. D. C. No. 22678. Sample Nos. 81536–H, 81541–H.)

LIBEL FILED: January 21, 1947, District of Oregon.

ALLEGED SHIPMENT: On or about December 31, 1946, by Swift & Co., from New Rockford, N. Dak.

PRODUCT: 26 64-pound cubes of butter at Portland, Oreg.

LABEL, IN PART: Butter Maddock Co-Op. Creamery."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), the product contained less than 80 percent by weight of milk fat.

DISPOSITION: February 25, 1947. Swift & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked under the supervision of the Food and Drug Administration.

12059. Adulteration and misbranding of butter. U. S. v. Aro Creamery Co. Plea of guilty. Fine, $500. (F. D. C. No. 22103. Sample No. 40075–H.)

INFORMATION FILED: June 23, 1947, Eastern District of Missouri, against the Aro Creamery Co., a corporation, St. Louis, Mo.

ALLEGED SHIPMENT: On or about January 13, 1947, from the State of Missouri into the State of Illinois.

LABEL, IN PART: "¼ Lb. Net Weight."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been omitted from the food; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents, in that the label bore the statement "¼ Lb. Net Weight," which statement was inaccurate since the prints contained less than ¼ pound net weight of the product.

DISPOSITION: July 14, 1947. A plea of guilty having been entered on behalf of the defendant, a fine of $500 was imposed.

12060. Adulteration and misbranding of butter. U. S. v. 2 Cases * * *. (F. D. C. No. 22674. Sample No. 40075–H.)

LIBEL FILED: January 23, 1947, Southern District of Illinois.

ALLEGED SHIPMENT: On or about January 13, 1947, by the Aro Creamery Co., from St. Louis, Mo.

PRODUCT: 2 30-pound cases of butter at Granite City, Ill. The product was low in milk fat and was short-weight.

LABEL, IN PART: (Print) "¼ Lb. Net Weight."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (e) (2), the package failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: March 10, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

12061. Misbranding of butter. U. S. v. 25 Cartons, etc. (1,280 pounds total). (F. D. C. No. 22270. Sample Nos. 53559–H, 53560–H.)

LIBEL FILED: On or about December 30, 1946, Eastern District of Tennessee.

ALLEGED SHIPMENT: On or about December 16, 1946, by Armour Creameries, from Louisville, Ky.

PRODUCT: 25 cartons and 15 cases, each containing 32 1-pound packages, of butter at Knoxville, Tenn.

LABEL, IN PART: "Armour Cloverbloom Butter One Pound Net Weight," or "1 Lb. Net Weight * * * Creamery Butter."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2). (The product was short-weight.)

DISPOSITION: February 4, 1947. Armour & Co. having entered an appearance in the case, and the court having found the product to be misbranded because of a discrepancy between the actual and the declared weight, judgment was entered ordering that the product be released under bond for reprocessing under the supervision of the Food and Drug Administration.

12062. Misbranding of butter. U. S. v. 3 Cases * * *. (F. D. C. No. 22269. Sample No. 40077–H.)

LIBEL FILED: January 22, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about January 17, 1947, by the Litchfield Creamery Co., from Litchfield, Ill.

PRODUCT: 3 30-pound cases of butter at St. Louis, Mo. Examination showed that the product was short-weight.

LABEL, IN PART: (Wrapper) "Creamery Butter 4 Oz. Net Weight."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the package failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: February 19, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable organization.

CHEESE*

12063. Adulteration of cheese. U. S. v. Jerome Cooperative Creamery, A. H. Jagels, Roy D. Smith, and Lyons Smith. Pleas of nolo contendere. Corporation fined $170; each individual fined $10. (F. D. C. No. 22092. Sample No. 43861–H.)

INFORMATION FILED: June 26, 1947, District of Idaho, against the Jerome Cooperative Creamery, a corporation, Twin Falls, Idaho, A. H. Jagels, president, Roy D. Smith, secretary-general manager, and Lyons Smith, manager, of the Twin Falls plant.

ALLEGED SHIPMENT: On or about August 24, 1946, from the State of Idaho into the State of California.

LABEL, IN PART: "Cheddar Whole Milk Cheese Distributed by Challenge Cream and Butter Ass'n."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect parts, animal hairs, feather barbules, moth scale, and plant tissue; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 18, 1947. Pleas of nolo contendere having been entered on behalf of the defendants, the corporation was fined $170 and each individual defendant was fined $10.

12064. Adulteration of process cheese. U. S. v. Sandmire Company, Inc., and William L. Sandmire. Pleas of guilty. Corporation fined $1,000; individual sentenced to 30 days in jail. (F. D. C. No. 22091. Sample No. 34970–H.)

INFORMATION FILED: On or about June 18, 1947, Western District of Wisconsin, against the Sandmire Company, Inc., Humbird, Wis., and William L. Sandmire, secretary.

ALLEGED SHIPMENT: Between the approximate dates of October 14 and 19, 1946, from the State of Wisconsin into the State of Illinois.

LABEL, IN PART: "Cooke Pasteurized Process Cheese Distributed by the Cooke Co. Decatur, Illinois."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments, mites, rodent hair fragments, cow hairs, cat hairs, manure, and nondescript dirt; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 14, 1947. Pleas of guilty having been entered, the court imposed a fine of $1,000 against the corporation and sentenced the individual to serve 30 days in jail.

12065. Adulteration of Swiss cheese. U. S. v. Star Valley Swiss Cheese Association, Roy Dana, Ernest Brog, and Erwin Dana. Pleas of guilty. Association fined $20; each individual fined $5. (F. D. C. No. 22072. Sample No. 45689–H.)

INFORMATION FILED: May 29, 1947, District of Wyoming, against the Star Valley Swiss Cheese Association, a corporation, Thayne, Wyo., Roy Dana, president, and Ernest Brog and Erwin Dana, manager and plant manager, respectively, of the Thayne, Wyo., plant of the corporation.

ALLEGED SHIPMENT: On or about July 12, 1946, from the State of Wyoming into the State of California.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent excreta pellets, rodent hairs, an animal hair resembling rodent hair, and cheese which bore evidence of being gnawed by rodents; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 9, 1947. Pleas of guilty having been entered, the court imposed fines of $20 against the association and $5 against each of the individuals,

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*See also Nos. 12027, 12028.

12066. Adulteration of Swiss cheese. U. S. v. Upper Star Valley Swiss Cheese Association, Riley Hoopes, and Frank Brog. Pleas of guilty. Association fined $20; each individual fined $10. (F. D. C. No. 22070. Sample Nos. 43855–H, 44337–H.)

INFORMATION FILED: May 14, 1947, District of Wyoming, against the Upper Star Valley Swiss Cheese Association, a corporation, Afton, Wyo., and Riley Hoopes, president, and Frank Brog, plant manager.

ALLEGED SHIPMENT: On or about July 17 and 24, 1946, from the State of Wyoming into the State of California.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent excreta pellets, rodent hairs, mites, an insect antenna, and nondescript dirt; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 9, 1947. Pleas of guilty having been entered, the court imposed a fine of $10 on each of the two counts of the information against the association, and a fine of $5 on each of the two counts against each individual.

12067. Adulteration of cheese cocktail spread. U. S. v. The Borden Company. Plea of nolo contendere. Fine, $400. (F. D. C. No. 22095. Sample Nos. 59903–H, 60836–H.)

INFORMATION FILED: On or about July 25, 1947, Western District of New York, against the Borden Co., a corporation, Buffalo, N. Y.

ALLEGED SHIPMENT: On or about September 6 and 10, 1946, from the State of New York into the State of Pennsylvania.

LABEL, IN PART: "Borden's Smokey Cheese Cocktail Spread."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, insect fragments, rodent hair fragments, plant tissues, steel fragments, and nondescript dirt; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 14, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $200 on each count, a total fine of $400.

12068. Adulteration and misbranding of Colby cheeses. U. S. v. 45 * * *. (F. D. C. No. 22648. Sample No. 19399–H.)

LIBEL FILED: March 20, 1947, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about January 6, 1947, by the Sanitary Creamery Co., from Montgomery, Minn.

PRODUCT: 45 Colby cheeses at Thorp, Wis.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing excessive moisture and deficient in milk fat had been substituted in whole or in part for Colby cheese.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for Colby cheese since it contained more than 40 percent of moisture and its solids contained less than 50 percent of milk fat.

DISPOSITION: April 22, 1947. The Sanitary Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked into a processed food for human consumption, under the supervision of the Federal Security Agency.

On October 6, 1947, pursuant to agreement of the parties, an order was entered providing for disposition of the product for use other than human consumption, under the supervision of the Federal Security Agency.

12069. Adulteration of Edam cheese. U. S. v. 800 Pounds * * *. (F. D. C. No. 22680. Sample Nos. 90835–H, 90843–H.)

LIBEL FILED: March 7, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about February 6, 1947. Transported by Alex Abramson and Sons, Inc., from D. Schneider Wholesale Dairy Products, Brooklyn, N. Y., and from the Harry N. Ziskin Co., Inc., New York, N. Y.

PRODUCT: 800 pounds of Edam cheese at Newark, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of mites, and it was otherwise unfit for food by reason of its moldy, musty condition.

DISPOSITION: April 9, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12070. Misbranding of cream cheese. U. S. v. 7 Cases, etc. (F. D. C. No. 22573. Sample Nos. 60564–H, 60565–H.)

LIBEL FILED: February 25, 1947, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 7, 1947, by the Fairmont Creamery Co., from Buffalo, N. Y.

PRODUCT: 7 cases, each containing 10 3-pound boxes, and 18 dozen 3-ounce packages of cream cheese at Pittsburgh, Pa.

LABEL, IN PART: "Fairmont's Pasteurized Cream Cheese Vegetable Gum Added 37% Milk Fat."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "37% Milk Fat" was false and misleading.

DISPOSITION: March 6, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

EGGS

12071. Adulteration of frozen whole eggs. U. S. v. 35 Cans * * *. (F. D. C. No. 22172. Sample No. 57630–H.)

LIBEL FILED: January 10, 1947, District of Maine.

ALLEGED SHIPMENT: On or about December 8, 1946, by the National Grain Yeast Co., from Cambridge, Mass.

PRODUCT: 35 30-pound cans of frozen whole eggs at Portland, Maine.

LABEL, IN PART: "Capital Butter & Egg Co. Washington 4, D. C. Whole Eggs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a putrid substance.

DISPOSITION: February 19, 1947. The Arthur Redmond Co., Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

12072. Adulteration of frozen whole eggs. U. S. v. 460 Cans * * *. (F. D. C. Nos. 22591, 22592. Sample No. 39173–H.)

LIBEL FILED: March 12, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about February 10, 1947, by the Watertown Egg & Produce Company, from Watertown, Wis.

PRODUCT: 460 30-pound cans of frozen whole eggs at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: April 21, 1947. The Forrest Poultry Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the fit portion be separated from the unfit and that the unfit portion be denatured, under the supervision of the Federal Security Agency, so that it could not be sold for human consumption.

12073. Adulteration of frozen egg yolks. U. S. v. 536 Cans * * *. (F. D. C. No. 22588. Sample Nos. 39171–H, 39172–H.)

LIBEL FILED: March 7, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 12 and 24, 1946, by R. B. Colby Farm Produce, from Loyal, Wis.

PRODUCT: 536 30-pound cans of frozen egg yolks at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: April 10, 1947. R. B. Colby, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated from the fit portion, under the supervision of the Federal Security Agency, and disposed of in compliance with the law.

12074. Adulteration of shell eggs. U. S. v. 610 Cases * * *. (F. D. C. No. 22350. Sample No. 60086–H.)

LIBEL FILED: January 2, 1947, Western District of New York.

ALLEGED SHIPMENT: On or about December 10, 1946, by the Smithfield Packing Co., from Smithfield, Va.

PRODUCT: 610 cases each containing 30 dozen eggs at Buffalo, N. Y.

LABEL, IN PART: "Packed by Nor. Wis. Prod. Co. Manitowoc, Wis."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: On January 27, 1947, a default decree of condemnation and destruction was entered. This decree was vacated January 28, 1947, at the request of the Northern Wisconsin Produce Co., who filed a claim and answer in the matter. The claimants consented to the entry of a decree, and on January 30, 1947, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration. On February 19, 1947, this decree was amended to correct a mistake in the terminology.

FISH AND SHELLFISH

12075. Adulteration of frozen chubs. U. S. v. 910 Pounds * * *. (F. D. C. No. 22338. Sample No. 39217–H.)

LIBEL FILED: January 9, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 13, 1946, by the Gem Smoked Fish Co., from New York, N. Y.

PRODUCT: 910 pounds of frozen chubs in boxes at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a)(3), the article consisted in whole or in part of a putrid substance.

DISPOSITION: April 4, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

12076. Adulteration of frozen ciscoes and frozen whitefish fillets. U. S. v. 27 Boxes * * * (and 1 other seizure action). (F. D. C. Nos. 22116, 22213. Sample Nos. 63525–H, 63530–H, 63534–H.)

LIBELS FILED: December 27, 1946, and January 28, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about July 22 and August 16, 1946, by W. F. Kolbe and Co., from Fort Dover, Ont., and by the Erie Fish Co., from Erie, Pa.

PRODUCT: 27 boxes, containing a total of approximately 3,795 pounds, of frozen ciscoes and 7 boxes, containing a total of approximately 337 pounds, of frozen whitefish fillets at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of a decomposed or putrid substance.

DISPOSITION: January 28 and February 19, 1947. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

12077. Adulteration of frozen codfish. U. S. v. 632 Boxes * * *. (F. D. C. No. 22434. Sample No. 40067–H.)

LIBEL FILED: January 23, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 10, 1945, by the Commonwealth Ice & Cold Storage Co., from Boston, Mass.

PRODUCT: 632 15-pound boxes of frozen codfish at St. Louis, Mo.

LABEL, IN PART: "Cod 15 Lbs Net Cassius Hunt Co. Boston, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a putrid substance by reason of the presence of putrid fish.

DISPOSITION: March 27, 1947. Schermer Brothers, Inc., Granite City, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be denatured and converted to nonfood purposes, under the supervision of the Food and Drug Administration.

12078. Adulteration of frozen flounder fillets. U. S. v. 31 Boxes * * *. (F. D. C. No. 22417. Sample Nos. 61027–H, 61028–H, 61204–H.)

LIBEL FILED: January 20, 1947, Western District of New York.

ALLEGED SHIPMENT: On or about July 9, 1946, by Frost King Foods, Inc., from Gloucester, Mass.

PRODUCT: 31 10-pound boxes of frozen flounder fillets at Rochester, N. Y.

LABEL, IN PART: "Flounder Fillets Frozen Packed by American Fillet Co. Gloucester, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a putrid and decomposed substance.

DISPOSITION: February 25, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12079. Adulteration of frozen haddock fillets. U. S. v. 53 Boxes * * *. (F. D. C. No. 22376. Sample No. 39226–H.)

LIBEL FILED: January 17, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 15, 1946, by the Tichon Fish and Fillet Corporation, from New Bedford, Mass.

PRODUCT: 53 10-pound boxes of frozen haddock fillets at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: August 15, 1947. Default decree of condemnation and destruction.

12080. Adulteration of frozen haddock. U. S. v. 27 Boxes * * *. (F. D. C. No. 22437. Sample No. 52048–H.)

LIBEL FILED: January 28, 1947, Northern District of Iowa.

ALLEGED SHIPMENT: On or about November 19, 1946, by the Booth Cold Storage Co., from Chicago, Ill.

PRODUCT: 27 10-pound boxes of frozen haddock at Dubuque, Iowa.

LABEL, IN PART: "Haddock * * * Coastal Fisheries New Bedford, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: February 26, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of as animal feed or destroyed.

12081. Adulteration of frozen hake fillets. U. S. v. 551 Cartons * * *. (F. D. C. No. 22339. Sample No. 39218–H.)

LIBEL FILED: January 8, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 30, 1945, by J. J. Ryan, from Boston, Mass.

PRODUCT: 551 10-pound cartons of frozen hake fillets at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: April 12, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, to be used as animal feed.

12082. Adulteration of frozen hake fillets. U. S. v. 189 Cases * * *. (F. D. C. No. 22147. Sample No. 54689–H.)

LIBEL FILED: January 3, 1947, Southern District of Florida.

ALLEGED SHIPMENT: On or about December 27, 1945, by the Liberty Fish Co., from New York, N. Y.

PRODUCT: 189 cases, each containing 10 5-pound cartons, of frozen hake fillets at Jacksonville, Fla.

LABEL, IN PART: "National Frosted Foods Inc. Certified Quality Hake Fillets Product of Canada."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: February 12, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, to be utilized as fertilizer.

12083. Adulteration of frozen halibut. U. S. v. 470 Pounds * * *. (F. D. C. No. 22714. Sample No. 91015–H.)

LIBEL FILED: March 21, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about July 18, 1946, by the Stern Live Fish Co., from Philadelphia, Pa.

PRODUCT: 470 pounds of frozen halibut in boxes at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: April 8, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12084. Adulteration of frozen pompano fillets. U. S. v. 213 Cartons * * *. (F. D. C. No. 22361. Sample No. 61020–H.)

LIBEL FILED: January 3, 1947, Western District of New York.

ALLEGED SHIPMENT: On or about October 13, 1945, by Melver, Inc., from Sebastian, Fla.

PRODUCT: 213 10-pound cartons of frozen pompano fillets at Rochester, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: February 18, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12085. Adulteration of frozen salmon. U. S. v. 16,405 Pounds * * *. (F. D. C. No. 22656. Sample Nos. 91003–H, 91004–H.)

LIBEL FILED: March 3, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about July 14, 1946, by the Standard Fish Co., from Montreal, Canada.

PRODUCT: 16,405 pounds of frozen salmon at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 17, 1947. The Standard Fish Co., claimant, having consented to the entry of a decree, judgment was entered ordering that the product be released under bond for segregation and destruction, or denaturing of the unfit portion, under the supervision of the Food and Drug Administration.

12086. Adulteration of frozen salmon. U. S. v. 1,749 Pounds * * *. (F. D. C. No. 22666. Sample Nos. 91007–H to 91010–H, incl.)

LIBEL FILED: March 4, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about July 11 and 24, 1946, by the Waldman's Fish Co., from Montreal, Canada.

PRODUCT: 1,749 pounds of frozen salmon at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: April 1, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12087. Misbranding of canned salmon. U. S. v. 2,656 Cases * * *. (F. D. C. No. 22301. Sample Nos. 59976–H to 59982–H, incl.)

LIBEL FILED: February 21, 1947, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 6, 1946, by Charles R. Allen, Inc., from Aberdeen, Wash.

PRODUCT: 2,656 cases, each containing 48 cans, of salmon at Pittsburgh, Pa. There were 7 different brands of the product.

LABEL, IN PART: "West Haven Brand Troll Caught Fancy Salmon Net Wt. 7½ Oz. Packed for Dungeness Crab, Inc., Seattle, Washington," "Open Sea Brand Fancy Chinook Salmon Distributed by Seashore Packing Co., Hoquiam, Washington Net Contents 7½ Ounces," "Southern Pride Brand Medium Red Salmon Net Contents 7¾ Oz. When Packed Distributed by Elmer W. Smith Inc. Seattle, Wash.," "Storm King Brand Chinook Fancy Red Spring Salmon Contents 7½ Oz. Rolph, Mills & Co. Selling Agents," "Pacific Salmon Medium Red Contents 6½ Ozs. Packed by Dungeness Crab, Inc. Westport, Wash.," "Fancy Pacific Salmon Troll Caught Net Wgt. 7½ Oz. Packed by Aberdeen Sea Foods Inc. Aberdeen, Wash.," or "Top Side Brand White Chinook Puget Sound Salmon Contents 7½ Oz. Packed by Nooksack Packing Co. Cannery at Beach, Lummi Island, Wash."

NATURE OF CHARGE: West Haven Brand. Misbranding, Section 403 (a), the label designation "Fancy Salmon" was false and misleading (the product was low-quality chinook, coho, or chum salmon); and, Section 403 (d), its container was so filled as to be misleading, since the cans were not filled as full as practicable.

Open Sea Brand. Misbranding, Section 403 (a), the label designation "Fancy Chinook Salmon" was false and misleading (the product was chinook and coho salmon, which was not of fancy quality); and, Section 403 (a), the label statement "Distributed by Seashore Packing Co. Hoquiam, Washington" was false and misleading, since the article was not distributed by that company.

Southern Pride Brand. Misbranding, Section 403 (a), the label designation "Medium Red Salmon" was false and misleading (the product was chinook and chum salmon); Section 403 (a), the label statement "Distributed by Elmer W. Smith Inc., Seattle, Wash." was false and misleading, since the article was not distributed by that company; Section 403 (d), its container was so filled as to be misleading, since the cans were not filled as full as practicable; and, Section 403 (e) (2), the label of the article failed to bear an accurate statement of the quantity of the contents (the cans in certain codes were short-weight).

Storm King Brand. Misbranding, Section 403 (a), the word "Red" appearing in the label designation of the article was misleading (the product was king salmon, known also as chinook or spring salmon, but was not known as red salmon); and, Section 403 (e) (1), the label of the article failed to contain the name and place of business of the manufacturer, packer, or distributor.

Pacific Salmon Medium Red. Misbranding, Section 403 (a), the label designation "Pacific Salmon Medium Red" was false and misleading (the salmon was not of the medium red species, but was of the chinook species); and, Section 403 (d), the container was so filled as to be misleading, since the cans were not filled as full as practicable.

Fancy Pacific Salmon Troll Caught. Misbranding, Section 403 (a), the label designation "Fancy Pacific Salmon" was false and misleading (the salmon was not of fancy quality).

Top Side Brand. Misbranding, Section 403 (a), the label statement "Packed by Nooksack Packing Co. Cannery at Beach, Lummi Island, Wash." was false and misleading, since this packer had been out of business for many years.

DISPOSITION: June 4, 1947. Charles R. Allen, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled in compliance with the law, under the supervision of the Food and Drug Administration.

12088. Misbranding of canned smoked salmon. U. S. v. 975 Cases * * *. (F. D .C. No. 22232. Sample No. 54823-H.)

LIBEL FILED: January 31, 1947, Northern District of Georgia.

ALLEGED SHIPMENT: On or about October 31, 1946, by Paul's Cannery, from San Francisco, Calif.

PRODUCT: 975 cases, each containing 48 cans, of smoked salmon at Atlanta, Ga.

LABEL, IN PART: (Cans) "Contents 7 Oz. Avd. Del Norte Fancy Smoked Salmon Salt Added Packed by Paul's Cannery Crescent City Calif."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container of the article was so filled as to be misleading, since the salmon occupied only about three-

fourths of the capacity of the can; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents (the cans contained less than 7 ounces).

DISPOSITION: April 10, 1947. Paul's Cannery, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Food and Drug Administration.

12089. Adulteration of frozen red snapper. U. S. v. 61 Boxes * * *. (F. D. C. Nos. 22697, 22698. Sample Nos. 91011–H to 91013–H, incl.)

LIBELS FILED: March 17, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about February 1, 1947, by the Warren Fish Company, from Pensacola, Fla.

PRODUCT: 34 boxes and 27 boxes, each containing 100 pounds, of frozen red snapper at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: May 12, 1947. Default decrees of condemnation and destruction.

12090. Adulteration of frozen whitefish. U. S. v. 47 Boxes * * *. (F. D. C. No. 22655. Sample No. 73117–H.)

LIBEL FILED: March 20, 1947, Northern District of Ohio.

ALLEGED SHIPMENT: On or about February 20, 1947, by J. Kozloff, from Detroit, Mich.

PRODUCT: 47 125-pound boxes of frozen whitefish at Cleveland, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance and was otherwise unfit for food by reason of its rancid, disagreeable odor and discoloration.

DISPOSITION: March 31, 1947. J. Kozloff Fish Distributors, Detroit, Mich., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and salvage of the fit portion, under the supervision of the Food and Drug Administration.

12091. Adulteration of whitefish. U. S. v. 139 Boxes * * *. (F. D. C. No. 22645. Sample No. 16891–H.)

LIBEL FILED: March 24, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 24, 1947, by Keystone Fisheries, Ltd., from Winnipeg, Ontario.

PRODUCT: 139 boxes, containing a total of 13,272 pounds, of whitefish at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: October 20, 1947. Keystone Fisheries, Ltd., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be denatured for use as stock feed, under the supervision of the Food and Drug Administration.

12092. Adulteration of frozen whiting fillets. U. S. v. 93 Boxes * * * (and 1 other seizure action). (F. D. C. Nos. 22377, 22419. Sample Nos. 54024–H, 59994–H, 59997–H.)

LIBELS FILED: January 13 and 17, 1947, Western District of Pennsylvania and Southern District of Ohio.

ALLEGED SHIPMENT: On or about September 14, 1945, from Boston, Mass., and on or about December 30, 1946, from Pittsburgh, Pa., by the Live Fish Co.

PRODUCT: Whiting fillets. 93 boxes at Pittsburgh, Pa., and 390 boxes at Cincinnati, Ohio.

LABEL, IN PART: "S & G Whiting Net 20 Lb.," or "H & G Whit. 20 Lbs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a putrid substance.

DISPOSITION: February 27 and March 4, 1947. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

12093. Adulteration of frozen whiting. U. S. v. 544 Boxes * * *. (F. D. C. Nos. 22613, 22614. Sample Nos. 70733–H, 70735–H.)

LIBEL FILED: March 6, 1947, Southern District of California.

ALLEGED SHIPMENT: On or about November 14, 1945, by General Ice and Cold Storage, Inc., from New Bedford, Mass.

PRODUCT: 544 15-pound boxes of frozen whiting at Los Angeles, Calif.

LABEL, IN PART: "Frozen Whiting * * * H & G Superior Fillets, Inc., New Bedford, Massachusetts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: May 27, 1947. Default decree of condemnation. The product was ordered delivered to the California Fish and Game Commission.

12094. Adulteration of frozen whiting. U. S. v. 474 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 22368, 22396. Sample Nos. 47988–H, 48572–H.)

LIBELS FILED: January 8 and 22, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about October 1 and 23, 1946, by Pond Village Cold Storage, from Provincetown, Mass.

PRODUCT: 2,874 15-pound cases or boxes of frozen whiting at Denver, Colo.

LABEL, IN PART: (Portion) "H & G Whiting Booth Fisheries Corp. Boston, Mass. Frosted."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: March 26, 1947. The Booth Fisheries Corporation, Denver, Colo., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be sold for use as stock feed, under the supervision of the Food and Drug Administration.

12095. Misbranding of canned rockfish. U. S. v. 55 Cases * * *. (F. D. C. No. 22521. Sample No. 82402–H.)

LIBEL FILED: February 10, 1947, Western District of Washington.

ALLEGED SHIPMENT: On or about November 20, 1946, by the Sebastian Stuart Fish Company, from Astoria, Oreg.

PRODUCT: 55 cases, each containing 48 6-ounce cans, of rockfish at Seattle, Wash.

LABEL, IN PART: "Denco Brand Pacific Rock Fish."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container of the article was so filled as to be misleading, since the cans were not filled as full of fish as practicable.

DISPOSITION: June 20, 1947. Default decree of condemnation. The product was ordered delivered to a public institution.

12096. Adulteration of canned oysters. U. S. v. 126 Cases * * *. (F. D. C. No. 22453. Sample Nos. 72640–H, 72681–H.)

LIBEL FILED: January 31, 1947, District of Utah.

ALLEGED SHIPMENT: On or about August 8, 1946, by the Rogers Co., from Seattle, Wash.

PRODUCT: 126 cases, each containing 48 8-ounce cans, of oysters at Salt Lake City and Provo, Utah.

LABEL, IN PART: "Westhaven Brand Fancy Pacific Oysters Contents 8 Oz. Oyster Meats Packed for Dungeness Crab, Inc. Seattle Wash."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: March 7, 1947. No claimant having appeared, judgment was entered and the product was ordered utilized as animal feed.

12097. Adulteration of frozen shrimp. U. S. v. 12 Boxes * * *. (F. D. C. No. 22703. Sample No. 90607–H.)

LIBEL FILED: March 18, 1947, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about March 3, 1947, by the H. Oritt Sales Company, from Philadelphia, Pa.

PRODUCT: 12 100-pound boxes of frozen, raw, headless shrimp at Norfolk, Va.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: April 23, 1947. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

12098. Misbranding of canned apples. U. S. v. 260 Cases * * *. (F. D. C. No. 22618. Sample No. 67580–H.)

LIBEL FILED: March 10, 1947, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about October 24, 1946, by the Colorado Mountain Food Co., from Grand Junction, Colo.

PRODUCT: 260 cases, each containing 6 cans, of apples at Oklahoma City, Okla. Examination showed that the product was short-weight, and that there was from 1 to 1½ inches headspace in the cans.

LABEL, IN PART: "Polar Bear Apples Solid Pack Contents 6 Lbs."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Apples Solid Pack" was false and misleading as applied to an article which was not packed solidly in the containers; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: April 17, 1947. The Griffin Grocery Co., Muskogee, Okla., claimant, having consented to the entry of a decree, judgment was entered ordering the product released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

12099. Misbranding of canned apricots. U. S. v. 692⅙ Cases * * *. (F. D. C. No. 22644. Sample No. 82615–H.)

LIBEL FILED: March 25, 1947, Western District of Washington.

ALLEGED SHIPMENT: On or about July 30, 1946, by Golden Gate Products, from Oakland, Calif.

PRODUCT: 692⅙ cases, each containing 6 cans, of apricots at Seattle, Wash.

LABEL, IN PART: "Gold Coast Whole Unpeeled Apricots in Light Syrup Net Contents 6 Lb. 10 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (h) (2), the product failed to meet the standard of fill of container for canned apricots, since there was not present in the container the maximum number of optional apricot ingredients which could have been sealed in the container and processed by heat to prevent spoilage without crushing or breaking such ingredients; and the product failed to bear the substandard legend.

DISPOSITION: June 2, 1947 Golden Gate Foods, Inc., Berkeley, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be repacked or relabeled, or otherwise brought into compliance with the law, under the supervision of the Food and Drug Administration.

12100. Misbranding of canned apricots. U. S. v. 75 Cases * * *. (F. D. C. No. 22568. Sample No. 48292–H.)

LIBEL FILED: February 26, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about November 27, 1946, by the Eddington Canning Company, from Springfield, Utah.

PRODUCT: 75 cases, each containing 24 1-pound, 13-ounce cans, of apricots at Denver, Colo.

LABEL, IN PART: "Eddington's Spring Kist Apricots Unpeeled Halves in Medium Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article failed to conform to the definition and standard of identity for canned apricots, since its label failed to bear, as required by the regulations, the name of the optional packing medium present. The label bore the statement "in Medium Syrup," although the article was packed in sirup designated as "light sirup," in the standard.

DISPOSITION: May 1, 1947. Default decree of condemnation. The product was ordered delivered to charitable institutions.

12101. Misbranding of canned blackberries. U. S. v. 316 Cases * * *. (F. D. C. No. 22468. Sample No. 48727–H.)

LIBEL FILED: January 31, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about August 25, 1946, by the Tyler-Simpson Co., from Norman, Okla.

PRODUCT: 316 cases, each containing 24 1-pound, 3-ounce cans, of blackberries at Denver, Colo. The product was packed in water.

LABEL, IN PART: "Sterling Brand Blackberries * * * Packed By Bridwell Canning Co. Marshfield, Mo."

NATURE OF CHARGE: Misbranding, Section 403 (i) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient since water was not declared.

DISPOSITION: February 14, 1947. The Marshfield Supply Co., Marshfield, Mo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled so that it would comply with the law, under the supervision of the Food and Drug Administration.

12102. Misbranding of canned peaches. U. S. v. 3,699 Cases * * *. (F. D. C. No. 22388. Sample Nos. 51496–H, 51700–H, 73368–H.)

LIBEL FILED: February 1, 1947, District of Minnesota.

ALLEGED SHIPMENT: On or about October 29 and 31 and November 6, 1946, by Colorado Flavor Products, Inc., from Palisade, Colo.

PRODUCT: 3,699 cases, each containing 6 6-pound, 7-ounce cans, of peaches at Minneapolis, Minn.

LABEL, IN PART: "Colo-Mesa Tree Ripened Halves Yellow Freestone Elberta Peaches Water Pack Packed and Distributed by Farmers Union Palisade Colorado."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard by reason of the fact that it was in containers holding 20 or more peach units and more than 5 percent of the units were crushed and broken.

DISPOSITION: February 25, 1947. Colo-Flavor Products, Inc., Palisade, Colo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

12103. Misbranding of canned peaches. U. S. v. 65 Cases, etc. (F. D. C. No. 22246. Sample Nos. 64831–H, 64832–H, 64840–H, 64841–H.)

LIBEL FILED: February 4, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about July 23, 1946, by A. L. Ratner, from New York, N. Y.

PRODUCT: 65 cases, each containing 24 1-pound, 13-ounce cans, and 20 cases, each containing 24 1-pound, 12-ounce cans, of peaches at Jersey City, N. J.

LABEL, IN PART: "Russell's Fine Foods Yellow Freestone Halves Peaches [or "Castella Brand White Freestone Halves Peaches"] Distributed by Russell's Fine Foods Plant City, Florida."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peaches, in that all units when tested in accordance with the method prescribed in the standard, could not be pierced by a weight of 300 grams; and all units of the article were not untrimmed or so trimmed as to preserve normal shape, since there was present in a portion of the article more than 1 square inch of peel per each 1 pound of

net contents, and more than 20 percent of the units in the containers in a portion of the article were blemished with scab and worm cuts.

Further misbranding, Section 403 (a), the design of yellow halves of peaches which appeared on the label of the article in the 20-case lot, was misleading as applied to a product which consisted of halves of white peaches.

DISPOSITION: June 30, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

12104. Misbranding of canned peaches. U. S. v. 1,182 Cases, etc. (F. D. C. No. 22219. Sample Nos. 57626-H, 57638-H to 57642-H, incl.)

LIBELS FILED: January 29 and February 3, 1947, District of Rhode Island.

ALLEGED SHIPMENT: On or about October 19, 1946, by the Holleb Co., from Eau Claire, Mich.

PRODUCT: 1,254 cases, each containing 24 1-pound, 14-ounce cans, of peaches at Providence, R. I.

LABEL, IN PART: "Eau Claire Brand Halves Yellow Freestone Peaches in Heavy Syrup * * * Packed By Eau Claire Packing Co. Eau Claire, Mich."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the label of the article failed to bear, as required by the regulations, the name of the optional peach ingredient present and the name of the optional packing medium present. The label bore the statement "Halves Yellow Freestone Peaches in Heavy Syrup," whereas the article consisted of peeled, mixed peach pieces of irregular sizes and shapes and was packed in sirup designated as "Light Sirup," in the definition and standard.

Further misbranding, Section 403 (h) (1), the quality of the article fell below the standard for canned peaches, since more than 20 percent of the units in the container of the article were blemished with scab and bruises, and the label did not contain a statement that it fell below the standard.

DISPOSITION: March 21, 1947. The Eau Claire Packing Co., Eau Claire, Mich., claimant, having consented to the entry of a decree, judgment was entered ordering the product released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

12105. Misbranding of canned pears. U. S. v. 119 Cases * * *. (F. D. C. No. 22456. Sample Nos. 91914-H, 91951-H.)

LIBEL FILED: January 31, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about November 29, 1946, by the Paulus Brothers Packing Company, from Salem, Oreg.

PRODUCT: 119 cases, each containing 24 cans, of pears at Denver, Colo.

LABEL, IN PART: "Red Tag Bartlett Pear Halves in Heavy Syrup Net Weight 1 Lb. 13 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article failed to conform to the definition and standard of identity of canned pears, since its label failed to bear, as required by the regulations, the name of the optional packing medium present. The article was packed in light sirup, but not in heavy sirup as represented on the label.

DISPOSITION: March 11, 1947. The claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

12106. Adulteration and misbranding of canned plums and misbranding of canned peaches. U. S. v. 69 Cases, etc. (and 6 other seizure actions). (F. D. C. Nos. 22380, 22500, 22528 to 22531, incl., 22566. Sample Nos. 39223-H, 40485-H, 69703-H, 69910-H, 69911-H, 69919-H, 73411-H, 73433-H, 73434-H.)

LIBELS FILED: Between the dates of January 17 and February 27, 1947, Northern District of Illinois, District of Minnesota, and Eastern District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of October 1 and November 12, 1946, by the Intermountain Foods Co., from Provo, Utah.

PRODUCT: 69 cases of canned peaches and 400 cases of canned plums at Chicago, Ill.; 365 cases of canned plums at Minneapolis, Minn.; and 318 cases of canned plums at St. Louis, Mo. Each case contained 24 1-pound, 13-ounce cans.

LABEL, IN PART: "Mellhorn Brand * * * Rocky Mountain Fancy Elberta Yellow Freestone Halves Peaches in Heavy Syrup Packed by Colorado Mountain Food Co. Provo, Utah," or "Mellhorn Brand * * * Rocky Mountain Whole [or "Fancy Whole"] Unpeeled Purple Plums in Medium [or "Heavy"] Syrup."

NATURE OF CHARGE: Canned peaches. Misbranding, Section 403 (a), the label statement "Fancy Elberta Yellow Freestone Halves Peaches" was false and misleading as applied to this article, which was not of fancy grade.

Canned plums. Adulteration, Section 402 (b) (2), sirup had been substituted in part for plums. Misbranding (1 lot), Section 403 (a), the label designation "Whole Unpeeled Purple Plums" was false and misleading as applied to small yellow plums.

DISPOSITION: Between the dates of March 24 and May 5, 1947. Holleb & Co. and the John F. Lalla Co., of Chicago, Ill., and the Intermountain Food Co., having appeared as claimants for the various lots and having consented to the entry of decrees, judgments of condemnation were entered. The products were ordered released under bond, conditioned that they be relabeled in compliance with the law, under the supervision of the Federal Security Agency.

12107. Adulteration of canned prunes. U. S. v. 383 Cases * * *. (F. D. C. No. 22603. Sample No. 62275–H.)

LIBEL FILED: March 5, 1947, District of Montana.

ALLEGED SHIPMENT: On or about December 14, 1946, by United Growers, Inc., from Salem, Oreg. The product was included in a pool car shipment and was invoiced by the Allen Fruit Co., Inc.

PRODUCT: 383 cases, each containing 6 6-pound, 8-ounce cans, of prunes at Billings, Mont.

LABEL, IN PART: "Allen Brand Oregon Prune Plums * * * Packed by Allen Fruit Co., Inc., Salem Oreg."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rotten prunes.

DISPOSITION: April 17, 1947. Default decree of condemnation and destruction.

12108. Misbranding of canned Fruit Mix and canned peach halves. U. S. v. 310 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 22709, 22711. Sample Nos. 62587–H, 62589–H.)

LIBELS FILED: March 18, 1947, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 4, 1947, by Hunt Foods, Inc., from Oakland, Calif.

PRODUCT: 310 cases, each containing 24 1-pound, 14-ounce cans, of fruit labeled "Fruit Mix" and 919 cases, each containing 24 1-pound, 13-ounce cans, of fruit labeled "Peach Halves," at Philadelphia, Pa. The "Fruit Mix" failed to conform to the standard for fruit cocktail, and a portion of the product labeled "Peach Halves" consisted of fruit cocktail.

LABEL, IN PART: "Hunt's Fruit Mix in Heavy Syrup—Halved Cherries artificially colored red—Diced Yellow Cling Peaches, Diced Pears, Whole Seedless Grapes, and Halved Modified Cherries," or "Hunt's Yellow Cling Peach Halves in Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the lot labeled "Fruit Mix" purported to be canned fruit cocktail and failed to conform to the definition and standard of identity for fruit cocktail, since it contained, in the drained fruit, more than the maximum of pitted, peeled, and diced peaches (50 percent by weight) prescribed by the standard; it contained no pineapple, an ingredient specified in the standard, and the cherry ingredient was not cut into approximate halves, as required by the standard.

Further misbranding, Section 403 (a), the label designation "Yellow Cling Peach Halves in Heavy Syrup" on a portion of the cans of "Peach Halves" was false and misleading as applied to canned fruit cocktail.

DISPOSITION: June 5, 1947. Hunt Foods, Inc., Oakland, Calif., having appeared as claimant for both lots, judgments of condemnation were entered and the products were ordered released under bond, conditioned that they be relabeled to conform with the law, under the supervision of the Food and Drug Administration.

12109. Misbranding of canned fruit cocktail and fruit for salad. U. S. v. 13,494 Cases * * *. (F. D. C. No. 22139. Sample No. 46950–H.)

LIBEL FILED: January 8, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about November 29, 1946, by Hunt Foods, Inc., from San Francisco, Calif.

PRODUCT: 13,494 cases, each containing 24 1-pound, 14-ounce cans, of fruit cocktail and fruit for salad at New York, N. Y.

LABEL, IN PART: "Hunt's Fruit Cocktail [or "Fruit for Salad"]."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article labeled "Fruit Cocktail" failed to conform to the definition and standard of identity for canned fruit cocktail, since the article contained, in the mixture of drained fruit, more than 50 percent, by weight, of pitted, peeled, and diced peaches, and less than 25 percent, by weight, of peeled, cored, and diced pears (together with the other fruit ingredients); and, Section 403 (g) (2), the article labeled "Fruit for Salad" purported to be canned fruit cocktail, and its label failed to bear, as required by the regulations, the name of the fruit specified in the definition and standard of identity for canned fruit cocktail.

DISPOSITION: June 20, 1947. Hunt Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Food and Drug Administration.

DRIED FRUIT

12110. Adulteration of dried peaches. U. S. v. 131 Boxes * * *. (F. D. C. No. 22362. Sample No. 50134–H.)

LIBEL FILED: January 16, 1947, Southern District of Texas.

ALLEGED SHIPMENT: On or about January 10, 1946, from San Jose, Calif.

PRODUCT: 131 boxes, each containing 25 pounds, of dried peaches at Houston, Tex., in possession of Morris Sewall & Co., Inc. The product was stored under insanitary conditions after shipment. The storage room was infested with rats, and rodent pellets were observed on, and in, the boxes of fruit. Examination showed that the article contained rodent pellets and that it was moldy and fermented.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance.

DISPOSITION: March 25, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12111. Adulteration of prunes. U. S. v. 33 Boxes * * *. (F. D. C. No. 22428. Sample No. 35811–H.)

LIBEL FILED: January 21, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about January 19, 1944, and December 5, 1945, by Guggenhime & Co., from San Jose, Calif.

PRODUCT: 33 25-pound boxes of prunes at St. Louis, Mo.

LABEL, IN PART: "Pansy Brand California Santa Clara Prunes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect-damaged prunes.

DISPOSITION: February 19, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to be denatured for use other than human consumption, under the direction of the Federal Security Agency. On March 21, 1947, no purchasers having appeared, the product was ordered destroyed.

12112. Adulteration of prunes. U. S. v. 195 Boxes * * *. (F. D. C. No. 22427. Sample No. 35810–H.)

LIBEL FILED: January 21, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 8, 1944, by Consumer's Food Products, from Morgan Hill, Calif.

PRODUCT: 195 25-pound boxes of pitted prunes at St. Louis, Mo.

LABEL, IN PART: "Hi-Value Medium Pitted Santa Clara Prunes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect- and rodent-damaged prunes.

DISPOSITION: February 18, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to be denatured for use other than human consumption, under the direction of the Federal Security Agency. On March 17, 1947, no purchasers having appeared, the product was ordered destroyed.

12113. Adulteration of raisins. U. S. v. 663 Cartons * * *. (F. D. C. Nos. 23550, 23551. Sample Nos. 99945–H, 99947–H.)

LIBEL FILED: August 6, 1947, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 23, 1947, by the Sagel Manufacturing Co., from Wildwood, N. J.

PRODUCT: 663 30-pound cartons of raisins at Philadelphia, Pa.

LABEL, IN PART: "Sun Nugget Fancy Seedless Raisins," or "Extra Fancy DeLuxe Brand Golden Bleached Thompson Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and insect excreta.

DISPOSITION: August 13, 1947. Default decree of condemnation and destruction.

12114. Misbranding of glacéed fruits. U. S. v. 480 Boxes * * *. (F. D. C. No. 22717. Sample No. 76155–H.)

LIBEL FILED: March 19, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about October 25 and November 21, 1946, by Calavo, Inc., from Los Angeles, Calif.

PRODUCT: 480 boxes, each containing 30 8-ounce packages, of glacéed fruits at Irvington, N. J.

LABEL, IN PART: "Glaced Fruits—For Fruit Cake."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Glaced Fruits" was false and misleading as applied to a product which consisted predominantly of citrus peels.

DISPOSITION: June 30, 1947. Calavo, Inc., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be repackaged in bulk and relabeled in conformity with the law, under the supervision of the Food and Drug Administration.

FROZEN FRUIT*

12115. Misbranding of frozen apricots. U. S. v. 200 Cases * * *. (F. D. C. No. 22636. Sample No. 38740–H.)

LIBEL FILED: March 21, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 23, 1946, by the Honor Brand Frosted Foods, Oroville, Calif.

PRODUCT: 200 cases, each containing 48 1-pound packages, of frozen apricots at Chicago, Ill.

LABEL, IN PART: "Honor Brand Fresh Frosted Fruits Apricot Halves."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Vitamin C (Ascorbic Acid) Added: 4 ounces on thawing contain at least the minimum daily adult requirement for Vitamin C" was false and misleading, since the product on thawing contained little or no vitamin C.

DISPOSITION: May 8, 1947. Stokely Foods, Inc., Oakland, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be relabeled under the supervision of the Food and Drug Administration.

12116. Adulteration of frozen red raspberries. U. S. v. 334 Tins * * *. (F. D. C. No. 22543. Sample No. 53565–H.)

LIBEL FILED: February 14, 1947, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about August 14, 1946, by the Growers and Packers Cooperative Canning Co., Inc., from North Collins, N. Y.

*See also No. 12126.

PRODUCT: 334 50-pound tins of frozen red raspberries at Nashville, Tenn.

LABEL, IN PART: "Fresh Cleaned Red Rasp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed raspberry material.

DISPOSITION: April 29, 1947. Default decree of condemnation and destruction.

12117. Misbranding of frozen red raspberries. U. S. v. 150 Cases * * *. (F. D. C. No. 22448. Sample No. 62582–H.)

LIBEL FILED: January 31, 1947, Northern District of California.

ALLEGED SHIPMENT: On or about October 5, 1946, by Honor Brand Frosted Foods, Division of Stokely, Van Camp, Inc., from Bellingham, Wash.

PRODUCT: 150 cases, each containing 48 12-ounce packages, of frozen red raspberries at San Jose, Calif.

LABEL, IN PART: "Honor Brand Fresh Frosted Red Raspberries."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container of the article was so filled as to be misleading, since it was sufficiently large to hold at least 1 pound and actually contained only about 12 ounces.

DISPOSITION: March 4, 1947. Stokely Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be repackaged in compliance with the law, under the supervision of the Food and Drug Administration.

MISCELLANEOUS FRUIT AND FRUIT PRODUCTS*

12118. Adulteration of Spanish olives. U. S. v. 42 Casks * * *. (F. D. C. No. 22416. Sample No. 60548–H.)

LIBEL FILED: January 20, 1947, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 17, 1946, by the Victor M. Calderon Company, Inc., from New York, N. Y.

PRODUCT: Olives. 12 casks of Queen Variety and 30 casks of Manzanilla Variety, each cask containing about 208 gallons of the product at McKees Rocks, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: July 17, 1947. The DeLuxe Products Company, McKees Rocks, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the fit portion be segregated and salvaged and that the remainder be destroyed, under the supervision of the Federal Security Agency.

12119. Adulteration of Spanish Style olives. U. S. v. 70 Cases * * *. (F. D. C. No. 22455. Sample No. 81396–H.)

LIBEL FILED: February 7, 1947, Eastern District of Washington.

ALLEGED SHIPMENT: On or about August 15, 1946, by the California Merchandising Co., from Los Angeles, Calif.

PRODUCT: 70 cases, each containing 24 10-ounce jars, of Spanish Style olives at Yakima, Wash.

LABEL, IN PART: "San Lucas Brand Spanish Style Olives * * * Distributed by Acme Olive Co., Inc., Los Angeles, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: May 20, 1947. Default decree of condemnation and destruction.

12120. Adulteration and misbranding of apple butter. U. S. v. Goodwin Preserving Company. Plea of nolo contendere. Fine, $2,000 and costs. (F. D. C. No. 22073. Sample Nos. 49958–H, 53332–H, 64325–H.)

INFORMATION FILED: September 22, 1947, Western District of Kentucky, against the Goodwin Preserving Co., Louisville, Ky.

ALLEGED SHIPMENT: On or about June 21, July 26, and August 7, 1946, from the State of Kentucky into the States of Alabama, Ohio, and New York.

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*See also Nos. 12005–12008

LABEL, IN PART: "Goodwin's Best [or "Best Extra Fancy Pure"] Apple Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing dried pear had been substituted in part for apple butter.

Misbranding, Section 403 (g) (1), the article purported to be, and was represented as, apple butter prepared from evaporated apples, a food for which a definition and standard of identity has been prescribed by the regulations; and the article failed to conform to such definition and standard since it contained added dried pear, which is not permitted as an ingredient of apple butter prepared from evaporated apples, in the definition and standard.

DISPOSITION: October 13, 1947. A plea of nolo contendere having been entered, the court imposed a fine of $2,000, plus costs.

12121. Adulteration and misbranding of apple butter. U. S. v. 76 Cases * * *. (F. D. C. No. 22534. Sample No. 91506–H.)

LIBEL FILED: February 17, 1947, District of Kansas.

ALLEGED SHIPMENT: On or about December 11, 1946, by the Delta County Canning Company, from Delta, Colo.

PRODUCT: 76 cases, each containing 6 7-pound, 8-ounce cans, of apple butter at Goodland, Kans.

LABEL, IN PART: "Town Talk Apple Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product of less than 43 percent soluble solids content had been substituted for apple butter.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for apple butter, since the soluble solids content was less than 43 percent, as required by the definition and standard.

DISPOSITION: May 26, 1947. Default decree of condemnation. The product was ordered delivered to the Kansas State Board of Social Welfare, for use in charitable institutions.

12122. Adulteration of imitation blackberry preserves. U. S. v. 367 Cases * * *. (F. D. C. No. 22582. Sample No. 72951–H.)

LIBEL FILED: March 5, 1947, Western District of Kentucky.

ALLEGED SHIPMENT: On or about January 6, 1947, by the Charles C. Parks Company, from Gallatin, Tenn.

PRODUCT: 367 cases, each containing 12 2-pound jars, of imitation blackberry preserves at Louisville, Ky.

LABEL, IN PART: "Tuckiana Brand Imitation Blackberry Preserves 2 Lbs. Packed for C. R. Ubelhart Co., Inc., Louisville, Kentucky."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its abnormal odor and taste, similar to iodoform.

DISPOSITION: April 28, 1947. Default decree of condemnation. The product was ordered delivered to a charitable institution, for use as animal feed.

12123. Adulteration of imitation blackberry preserves. U. S. v. 119 Cases * * *. (F. D. C. No. 22583. Sample No. 72955–H.)

LIBEL FILED: March 8, 1947, Southern District of Indiana.

ALLEGED SHIPMENT: On or about September 19, 20, and 23, 1946, by the C. R. Ubelhart Co., Inc., from Louisville, Ky.

PRODUCT: 119 cases, each containing 12 2-pound jars, of imitation blackberry preserves at New Salisbury, Ind.

LABEL, IN PART: "Tuckiana Brand Imitation Blackberry Preserves."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its abnormal odor and taste, similar to iodoform.

DISPOSITION: April 21, 1947. Default decree of forfeiture and destruction.

12124. Adulteration and misbranding of grape jelly. U. S. v. 49 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 22601, 22602. Sample Nos. 39849–H, 39850–H.)

LIBELS FILED: March 5, 1947, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about January 24, 1947, by Edw. S. Ridgway and Co., from Salem, Ill.

PRODUCT: 49 cases at Paragould and 6 cases at Blytheville, Ark. Each case contained 24 1-pint jars of grape jelly.

LABEL, IN PART: "Ridgways Old Fashioned Grape Jelly."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing added water and artificial coloring and artificial flavoring had been substituted in whole or in part for grape jelly.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for grape jelly, since it contained added water and artificial flavoring and artificial coloring, which are not permitted as ingredients of grape jelly, in the definition and standard.

DISPOSITION: April 24, 1947. Default decree of condemnation. The product was ordered delivered to a charitable institution.

12125. Misbranding of peach preserves. U. S. v. 275 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 22345 to 22348, incl. Sample Nos. 41206–H, 41218–H to 41220–H, incl.)

LIBEL FILED: December 31, 1946, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about November 20, 1946, by the Craddock Canning and Preserve Co., from Paducah, Ky.

PRODUCT: 654 cases, each containing 24 cans, of peach preserves at Little Rock, Ark. Examination showed that the product was short-weight.

LABEL, IN PART: (Cans) "Craddock Brand Pure Peach Preserves."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents, since the label statement "Contents 1 Lb. 10 Ozs." was inaccurate.

DISPOSITION: March 11, 1947. Jim S. Porter, trading as the Jim S. Porter Co., Little Rock, Ark., claimant, having consented to the entry of a decree, and the cases having been consolidated, judgment of condemnation was entered. The product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

VEGETABLES AND VEGETABLE PRODUCTS

12126. Misbranding of frozen asparagus and adulteration and misbranding of frozen cherries. U. S. v. Joseph Kiser Company and Joseph Kiser. Pleas of nolo contendere. Fine of $30 against each defendant. (F. D. C. No. 22076. Sample Nos. 41663–H, 51570–H.)

INFORMATION FILED: May 16, 1947, Northern District of California, against the Joseph Kiser Company, a corporation, San Jose, Calif., and Joseph Kiser, president.

ALLEGED SHIPMENT: On or about July 1 and 5, 1946, from the State of California into the States of Pennsylvania and Minnesota.

LABEL, IN PART: "Quality Carpel's Frosted Foods Quick Frosted Asparagus (Cuts and Tips) Packed for Carpel Frosted Foods, Inc., Washington, D. C.," or "Pacific Queen Frozen Dark Sweet Cherries With Added Sugar."

NATURE OF CHARGE: Asparagus. Misbranding, Section 403 (d), the container of the article was so filled as to be misleading, since an additional 2 ounces of asparagus could have been placed in each package.

Cherries. Adulteration, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk and weight. Misbranding, Section 403 (a), the label statement on the carton "Frozen Dark Sweet Cherries With Added Sugar" was false and misleading, since the article did not consist wholly of dark sweet cherries with added sugar but did contain added water; and, Section 403 (i) (2), the article was fabricated from two or more ingredients, and the label failed to bear the common or usual name of each ingredient, since the presence of water was not declared.

DISPOSITION: July 21, 1947. Pleas of nolo contendere having been entered, the court imposed a fine of $30 against each defendant.

12127. Adulteration of red cabbage. U. S. v. 771 Cases * * *. (F. D. C. No. 22385. Sample No. 52781–H.)

LIBEL FILED: January 15, 1947, Northern District of Ohio.

ALLEGED SHIPMENT: On or about October 16, 1946, by the Haxton Canning Co., Inc., from Kirkland, N. Y.

PRODUCT: 771 cases, each containing 24 jars, of red cabbage at Cleveland, Ohio.

LABEL, IN PART: (Jar) "Blue Boy Sweet Sour Red Cabbage Net Weight 1 lb. 1 oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments.

DISPOSITION: July 1, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12128. Adulteration of shelled corn. U. S. v. 40,000 Bushels * * *. (F. D. C. No. 22538. Sample No. 50173–H.)

LIBEL FILED: February 17, 1947, Southern District of Texas.

ALLEGED SHIPMENT: On or about December 17, 1946, by the Continental Grain Company, from St. Louis, Mo.

PRODUCT: 40,000 bushels of shelled corn at Galveston, Tex.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of being moldy.

DISPOSITION: March 11, 1947. The Continental Grain Company, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be utilized in the manufacture of industrial alcohol, under the supervision of the Food and Drug Administration.

12129. Adulteration of canned green beans. U. S. v. 43 Cases * * *. (F. D. C. No. 22502. Sample No. 47278–H.)

LIBEL FILED: February 14, 1947, District of Wyoming.

ALLEGED SHIPMENT: On or about March 8, 1946, by Adams Gardens Food, Brownsville, Tex.

LABEL, IN PART: "Miss Texas Brand Cut Green Beans * * * Packed by Texas Canning Co. Falfurrias, Texas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 23, 1947. The sole intervener having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

12130. Adulteration of canned green beans. U. S. v. 197 Cases * * *. (F. D. C. No. 22552. Sample Nos. 38594–H, 38595–H.)

LIBEL FILED: February 26, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 12, 1946, by the Alma Canning Co., from Alma, Ark.

PRODUCT: 197 cases, each containing 6 6-pound, 5-ounce cans, of green beans at Chicago, Ill.

LABEL, IN PART: "Alma Select Whole Green Beans Blue Lake," or "Alma Brand Extra Standard Whole Green Beans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worms, insect excreta, and insect-damaged beans.

DISPOSITION: May 1, 1947. The Alma Canning Co. having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

12131. Misbranding of canned mushrooms. U. S. v. 65 Cases * * *. (F. D. C. No. 22599. Sample No. 62487–H.)

LIBEL FILED: March 10, 1947, District of Nevada.

ALLEGED SHIPMENT: On or about December 28, 1945, and January 24, 1946, by the All States Food Brokerage Company, through the Distributor's Warehouse Co., from San Francisco, Calif.

PRODUCT: 65 cases, each containing 24 8-ounce cans, of mushrooms at Reno, Nev.

LABEL, IN PART: "Mushrooms Fancy Buttons Quaker State Brand Grown and Packed by J. B. Swayne & Son, Kennett Square, Pennsylvania Drained Net Weight 8 Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (a), the designation "Mushrooms Fancy Buttons" and the vignette depicting fancy button mushrooms, borne on the label, were false and misleading, since the product did not consist of fancy button mushrooms, because of excessive blemished units and excessive stems; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents, in that the statement "Drained Net Weight 8 Ozs." was inaccurate, since the average drained weight of the product was 7.24 ounces.

DISPOSITION: April 7, 1947. Default decree of condemnation. The product was ordered delivered to a charitable institution. On May 1, 1947, however, the decree was amended to provide for destruction of the product.

12132. Misbranding of canned mushrooms. U. S. v. 109 Cases * * * (and 5 other seizure actions). (F. D. C. Nos. 20242, 20532, 20560, 20685, 20700, 21653. Sample Nos. 3721–H, 42899–H, 63361–H, 63377–H, 63378–H, 63426–H, 63463–H, 70514–H, 70517–H.)

LIBELS FILED: June 10, July 16 and 26, August 7 and 23, and November 18, 1946, Districts of Maryland and New Jersey and Southern District of California.

ALLEGED SHIPMENT: Between the approximate dates of January 15 and July 6, 1946, by J. B. Swayne and Son, from Kennett Square, Pa.

PRODUCT: Canned mushrooms. 109 cases and 141 cases at Baltimore, Md.; 80 cases at Newark, N. J.; 196 cases at Kearney, N. J.; 4 cases at Elizabeth, N. J.; and 82½ cases at Los Angeles, Calif.

LABEL, IN PART: (Cans) "Mushrooms Fancy Buttons Quaker State Brand [Vignette depicting fancy button mushrooms] Drained Net Weight 4 Ozs. [or "8 Ozs.," or "1 Lb."]," "Uco Fancy Button Mushrooms," or "Fancy Buttons."

NATURE OF CHARGE: Misbranding, Section 403 (a), the designations on the labels, "Mushrooms Fancy Buttons," "Fancy Button Mushrooms," and "Fancy Buttons," together with the vignette on the labels of certain lots, depicting fancy button mushrooms, were false and misleading. (The article was not fancy button mushrooms, because of one or more of the following conditions: Excessive blemishes, excessively long stems, variations in size, and spotted or dark units.)

Further misbranding (portions), Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The drained weight was less than declared on the label.)

DISPOSITION: September 24, 25, and 27, 1946. J. B. Swayne & Son, Inc., having appeared as claimant for the product at Newark, Kearney, and Los Angeles, and for 109 cases at Baltimore, and having consented to the entry of decrees, judgments of condemnation were entered. The product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

On October 14, 1946, and January 2, 1947, no claimant having appeared for the remainder, judgments of condemnation were entered. The Elizabeth lot was ordered delivered to a charitable institution, and 141 cases at Baltimore were ordered delivered to a local hospital.

12133. Adulteration of dried mushrooms. U. S. v. 19 Cans * * *. (F. D. C. No. 22274. Sample No. 74121–H.)

LIBEL FILED: February 7, 1947, District of Massachusetts.

ALLEGED SHIPMENT: On or about September 30, 1946, by E. Schroeder Bros., Inc., from New York, N. Y.

PRODUCT: 19 10-pound cans of dried mushrooms at Boston, Mass.

LABEL, IN PART: "Prodotti 'Superfungo' Milano (Italy) * * * Dried Mushrooms."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: March 24, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12134. Adulteration of canned okra. U. S. v. 605 Cases * * *. (F. D. C. No. 22222. Sample Nos. 54678–H, 54695–H.)

LIBEL FILED: January 30, 1947, Southern District of Florida.

ALLEGED SHIPMENT: On or about August 17, 1946, by the Alabama Products Canning Co., Inc., from Roanoke, Ala.

PRODUCT: 605 cases, each containing 6 cans, of cut okra at Jacksonville, Fla.

LABEL, IN PART: "Morris Brand Cut Okra Contents 6 Pound 3 Oz. [or "6 Pound 2 Oz."]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: April 2, 1947. The Alabama Products Canning Company, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed and that the fit portion be salvaged, under the supervision of the Federal Security Agency.

12135. Adulteration of canned peas. U. S. v. 368 Cases * * *. (F. D. C. No. 22608. Sample Nos. 62635–H, 62640–H.)

LIBEL FILED: March 6, 1947, Northern District of California.

ALLEGED SHIPMENT: On or about September 19, 1946, by the Rocky Mountain Packing Corporation, from Manti, Utah.

PRODUCT: 368 cases, each containing 6 6-pound, 9-ounce cans, of peas at Sacramento, Calif.

LABEL, IN PART: "Naturipe Brand Sugar Peas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of weevily peas.

DISPOSITION: March 28, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12136. Adulteration of canned peas. U. S. v. 94 Cases * * *. (F. D. C. No. 22576. Sample Nos. 40984–H, 40985–H.)

LIBEL FILED: February 25, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about January 16, 1947, by the Oconomowoc Canning Co., from Oconomowoc, Wis.

PRODUCT: 94 cases, each containing 24 1-pound, 4-ounce cans, of peas at St. Louis, Mo.

LABEL, IN PART: "Brimful Brand Jumbo Sweet Peas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: March 28, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 12137 to 12146 report actions involving canned peas that purported to be a food for which a standard of quality has been prescribed by law, but the quality was charged to fall below the standard because of higher alcohol-insoluble solids than the maximum permitted by the standard, and the labels failed to bear, in the manner and form that the regulations specify, a statement that the product was below the standard.

12137. Misbranding of canned peas. U. S. v. 583 Cases * * *. (F. D. C. Nos. 22205, 22206. Sample Nos. 54009–H, 54010–H.)

LIBELS FILED: January 24, 1947, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about June 27 and 29, 1946, by the Billman-Woodard Company, from Hope, Ind.

PRODUCT: 583 cases, each containing 24 1-pound, 4-ounce cans, of peas at Lexington, Ky.

LABEL, IN PART: (Can) "Clifty Valley Brand Garden Run Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article was substandard.

DISPOSITION: February 5, 1947. Billman-Woodard Co. having appeared as claimants for both lots, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

12138. Misbranding of canned peas. U. S. v. 122 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 22184, 22242. Sample Nos. 40884–H, 64833–H.)

LIBELS FILED: January 13 and February 3, 1947, Eastern District of New York and Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 29 and November 15, 1946, by the J. B. Inderrieden Co., from Barron, Wis., and Chicago, Ill.

PRODUCT: 122 cases, each containing 24 cans, of peas at Brooklyn, N. Y., and 572 cases, each containing 24 unlabeled cans, of the same product at St. Louis, Mo.

LABEL, IN PART: (Brooklyn lot) "Contents 1 Lb. 4 Oz. Pewaukee Lake Large Size 4 June Peas." The labeling agreement between the shipper and the consignee of the St. Louis lot provided that the peas were to be labeled as standard.

NATURE OF CHARGE: St. Louis lot. Misbranding, Section 402 (e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (g) (2), the label of the article failed to bear, as required by the regulations, the name of the food specified in the definition and standard of identity for canned peas.

Both lots. Misbranding, Section 403 (h) (1), the article fell below the standard because of an excess of alcohol-insoluble solids.

Brooklyn lot. Misbranding, Section 403 (h) (2), the article fell below the standard with respect to fill of containers.

DISPOSITION: April 30 and May 7, 1947. The J. B. Inderrieden Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration.

12139. Misbranding of canned peas. U. S. v. 256 Cases * * *. (F. D. C. No. 22288. Sample No. 42112–H.)

LIBEL FILED: February 13, 1947, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about August 29, 1946, by the Crites Milling Co., from Ashville, Ohio.

PRODUCT: 256 cases, each containing 24 1-pound, 4-ounce cans, of peas at Charleston, W. Va.

LABEL, IN PART: "Sweet Home Brand Grade C Sifted Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard in quality.

DISPOSITION: March 12, 1947. The Crites Milling Co., Circleville, Ohio, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled in compliance with the law, under the supervision of the Federal Security Agency.

12140. Misbranding of canned peas. U. S. v. 1,742 Cases * * *. (F. D. C. No. 22470. Sample Nos. 66029–H, 66032–H.)

LIBEL FILED: February 5, 1947, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about January 7, 1947, by Baltimore Markets, Inc., from Philadelphia, Pa. This was a return shipment by the consignee, to the original shipper.

PRODUCT: 1,742 cases, each containing 24 1-pound, 4-ounce cans, of peas at Tigerton, Wis.

LABEL, IN PART: "Our Brand Early Peas * * * Distributed By Baltimore Markets, Inc., Philadelphia, Pa."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard in quality.

DISPOSITION: March 4, 1947. Gladys Swanke and L. C. Bucksieb, administratrix and administrator, respectively, of the estate of John Swanke, deceased, claimants, having consented to the entry of a decree, judgment of condemnation was entered. The product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

12141. Misbranding of canned peas. U. S. v. 598 Cases * * *. (F. D. C. No. 22540. Sample No. 17294–H.)

LIBEL FILED: February 24, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 5, 1946, by the Knellsville Pea Canning Co., from Knellsville, Wis.

PRODUCT: 598 cases, each containing 24 1-pound, 4-ounce cans, of peas at Chicago, Ill.

LABEL, IN PART: "Blossom Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: April 21, 1947. The Knellsville Pea Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered ordering the product released under bond, to be relabeled under the supervision of the Food and Drug Administration.

12142. Misbranding of canned peas. U. S. v. 583 Cases * * *. (F. D. C. No. 22559. Sample No. 40973–H.)

LIBEL FILED: February 18, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 2, 1946, by the Elkhart Lake Canning Co., from Elkhart Lake, Wis.

PRODUCT: 583 cases, each containing 24 1-pound, 4-ounce cans, of peas at St. Louis, Mo.

LABEL, IN PART: "Highland Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard in quality.

DISPOSITION: March 27, 1947. The Elkhart Lake Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency.

12143. Misbranding of canned peas. U. S. v. 424 Cases * * *. (F. D. C. No. 22546. Sample No. 50163–H.)

LIBEL FILED: February 17, 1947, Southern District of Texas.

ALLEGED SHIPMENT: On or about November 5, 1946, by the Lancaster Canning Company, from Lancaster, Wis.

PRODUCT: 424 cases, each containing 24 1-pound, 4-ounce cans, of peas at Houston, Tex.

LABEL, IN PART: "Early Peas Sunbeam."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard in quality.

DISPOSITION: March 10, 1947. The Lancaster Canning Company, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling in compliance with the law, under the supervision of the Food and Drug Administration.

12144. Misbranding of canned peas. U. S. v. 519 Cases * * *. (F. D. C. No. 22565. Sample No. 14931–H.)

LIBEL FILED: February 28, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 7, 1946, by the Oostburg Canning Co., from Oostburg, Wis.

PRODUCT: 519 cases, each containing 6 6-pound, 9-ounce cans, of peas at Chicago, Ill.

LABEL, IN PART: "From the Heart of Dairyland Wisconsin Large Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard in quality.

DISPOSITION: March 28, 1947. The Outlet Sales Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

12145. Misbranding of canned peas. U. S. v. 327 Cases * * *. (F. D. C. No. 22569. Sample No. 38597–H.)

LIBEL FILED: February 27, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 1, 1946, by the Elkhart Lake Canning Company, from Elkhart Lake, Wis.

PRODUCT: 327 cases, each containing 6 6-pound, 9-ounce cans, of peas at Chicago, Ill.

LABEL, IN PART: "Betty Brand Size 4 Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was substandard in quality.

DISPOSITION: April 8, 1947. The Elkhart Lake Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned, that it be relabeled in compliance with the law, under the supervision of the Federal Security Agency.

12146. Misbranding of canned peas. U. S. v. 2,563 Cases, etc. * * *. (F. D. C. No. 22421. Sample Nos. 72913–H, 72914–H.)

LIBELS FILED: January 23, 1947, Northern District of Ohio.

ALLEGED SHIPMENT: On or about November 4 and 5, 1946, by First National Stores, Inc., from East Hartford, Conn., and Somerville, Mass. These were return shipments to the original shipper.

PRODUCT: 7,945 cases, each containing 24 1-pound, 4-ounce cans, of peas at Delphos, Ohio.

LABEL, IN PART: "Mello-Glo Early June Peas * * * Packed by The St. Marys Packing Company, Sidney, Ohio."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was substandard in quality.

DISPOSITION: April 28, 1947. The St. Marys Packing Company, Sidney, Ohio, claimant, having admitted that the product was in part substandard, judgments of condemnation were entered. The product was ordered released under bond, conditioned that it be relabeled and brought into compliance with the law, under the supervision of the Food and Drug Administration.

12147. Misbranding of canned peas. U. S. v. 169 Cases * * *. (F. D. C. No. 22158. Sample No. 54809–H.)

LIBEL FILED: January 7, 1947, Western District of North Carolina.

ALLEGED SHIPMENT: On or about September 14, 1946, by the Veterans Administration Supply Depot, from Horseheads, N. Y.

PRODUCT: 169 cases, each containing 6 6-pound, 9-ounce cans, of peas at Oteen, N. C.

LABEL, IN PART: "St. Croix Brand Ungraded Sweet Peas Packed by Friday Canning Corporation New Richmond, Wisconsin."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below the standard of quality because it failed to meet the prescribed test with respect to tenderness.

DISPOSITION: February 1, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

12148. Adulteration of canned black-eyed peas with snaps. U. S. v. 746 Cases * * *. (F. D. C. No. 22577. Sample No. 41265–H.)

LIBEL FILED: February 26, 1947, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about November 20, 1946, by the Delta Canning Co., from Raymondville, Tex.

PRODUCT: 746 cases, each containing 24 1-pound, 3-ounce cans, of black-eyed peas with snaps at Little Rock, Ark.

LABEL, IN PART: "Delco Brand Fresh Shelled Black-Eyed Peas with Snaps."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: April 7, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12149. Adulteration of canned field peas. U. S. v. Roy O. Kelley (R. O. Kelley Cannery). Plea of nolo contendere. Defendant fined $300 and placed on 2 years' probation. (F. D. C. No. 22098. Sample Nos. 54584–H, 54585–H, 54588–H.)

INFORMATION FILED: June 27, 1947, Southern District of Georgia, against Roy O. Kelley, trading as the R. O. Kelley Cannery, Midville, Ga.

ALLEGED SHIPMENT: On or about August 29 and 30, 1946, from the State of Georgia into the State of South Carolina.

LABEL, IN PART: "Kelley's Best Georgia Field Peas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: September 29, 1947. A plea of nolo contendere having been entered, the defendant was fined $300 and placed on 2 years' probation.

12150. Adulteration of canned field peas with snaps. U. S. v. Olin A. Kent (Kent Canning Co.). Plea of nolo contendere. Defendant fined $300 and placed on 2 years' probation. (F. D. C. No. 22099. Sample Nos. 54632–H, 54655–H, 54838–H.)

INFORMATION FILED: June 27, 1947, Southern District of Georgia, against Olin A. Kent, trading as the Kent Canning Co., at Gibson, Ga.

ALLEGED SHIPMENT: On or about August 4 and 12 and September 2, 1946, from the State of Georgia into the State of Florida.

LABEL, IN PART: "Kent's Pride Georgia Field Peas With Snaps."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: September 29, 1947. A plea of nolo contendere having been entered, the defendant was fined $300 and placed on 2 years' probation.

12151. Adulteration of canned field peas with snaps. U. S. v. Russell and Decker Co. Plea of nolo contendere. Fine, $300. (F. D. C. No. 22085. Sample No. 54661–H.)

INFORMATION FILED: June 17, 1947, Southern District of Georgia, against Russell and Decker Co., a corporation, Waynesboro, Ga.

ALLEGED SHIPMENT: On or about July 26, 1946, from the State of Georgia into the State of Florida.

LABEL, IN PART: "Russell's Foods * * * Field Peas with Snaps."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: September 29, 1947. A plea of nolo contendere having been entered, the court imposed a fine of $300.

12152. Adulteration of canned field peas with snaps. U. S. v. 367 Cases * * *. (F. D. C. No. 22110. Sample No. 54811–H.)

LIBEL FILED: December 23, 1946, Western District of North Carolina.

ALLEGED SHIPMENT: On or about December 2, 1946, by Pearce Young Angel Co., from Augusta, Ga.

PRODUCT: 367 cases, each containing 24 1-pound, 4-ounce cans, of field peas with snaps at Asheville, N. C.

LABEL, IN PART: "Russell's Foods * * * Field Peas with Snaps Packed By Russell & Decker Co. Lakeland, Florida."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: February 4, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, to be disposed of for use as animal feed.

12153. Adulteration of canned field peas with snaps. U. S. v. 108 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 22151 to 22153, incl. Sample Nos. 55104–H to 55106–H, incl.)

LIBELS FILED: January 16, 1947, Northern District of Florida.

ALLEGED SHIPMENT: On or about July 19, 1946, by the Tri-State Sales Company, from Waynesboro, Ga.

PRODUCT: 108 cases, 55 cases, and 224 cases of canned field peas with snaps at Tallahassee, Fla. Each case contained 24 1-pound, 3-ounce cans.

LABEL, IN PART: "Golden Isle Tasty Foods Field Peas with Snaps * * * Packed by The Ploeger-Abbott Company Waynesboro, Georgia."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance. (The article contained larvae.)

DISPOSITION: March 28, 1947. Default decrees of condemnation. The product was ordered delivered to a Federal institution, for use as hog feed.

12154. Adulteration of frozen peas. U. S. v. 400 Cartons * * *. (F. D. C. No. 22286. Sample Nos. 76132–H, 91081–H.)

LIBEL FILED: February 20, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about July 15, 1946, by J. Isaacs, from Georgetown, Del.

PRODUCT: 400 50-pound cartons of frozen peas at New York, N. Y.

LABEL, IN PART: "Early June Peas John S. Isaacs & Sons Ellendale, Delaware."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a sour and decomposed substance.

DISPOSITION: March 22, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12155. Misbranding of canned sweet red peppers. U. S. v. 475 Cases * * *. (F. D. C. No. 22687. Sample No. 64935–H.)

LIBEL FILED: On or about March 12, 1947, District of Connecticut.

ALLEGED SHIPMENT: On or about October 9, 1946, by the Giambanco Packing Co., from Claribel, Oakdale, Calif.

PRODUCT: 475 cases, each containing 72 6½-ounce cans, of sweet red peppers at New Haven, Conn.

LABEL, IN PART: "Pee-Gee Brand Sweet Red Peppers * * * Seeds Removed * * * Net Weight 6½ Oz."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Seeds Removed" was false and misleading; Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (a), (portion of product) the label statement "Sweet Red Peppers" was false and misleading. (The article was short-weight; numerous seeds were found in the peppers; and a portion consisted of hot peppers.)

DISPOSITION: October 24, 1947. The Pepe-Maisano Co., New Haven, Conn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, the sweet peppers to be relabeled and the hot peppers to be relabeled or destroyed, under the supervision of the Food and Drug Administration.

12156. Misbranding of canned sweet red peppers. U. S. v. 50 Cases * * *. (F. D. C. No. 22642. Sample No. 41272–H.)

LIBEL FILED: March 18, 1947, Western District of Arkansas.

ALLEGED SHIPMENT: On or about December 19, 1946, by Leverton and Company, from San Benito, Tex.

PRODUCT: 50 cases, each containing 48 7-ounce cans, of sweet red peppers at Camden, Ark. Examination showed that the product was decomposed.

LABEL, IN PART: "World Over Fancy Sweet Peppers."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned red sweet peppers, since it had not been processed by heat so as to prevent spoilage.

DISPOSITION: September 2, 1947. Default decree of condemnation and destruction.

12157. Adulteration of pickles. U. S. v. 60 Cases * * *. (F. D. C. No. 22177. Sample No. 54742–H.)

LIBEL FILED: On or about January 17, 1947, Northern District of Georgia.

ALLEGED SHIPMENT: On or about December 7, 1946, by L. Allen and Sons, from O'Fallon, Ill.

PRODUCT: 60 cases, each containing 24 1-pint jars, of pickles at Conley, Ga.

LABEL, IN PART: "Fleishmans Products Fancy Small Sour Pickles * * * Packed by Fleishman's Pickles, Inc. St. Louis, Mo."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of grit.

DISPOSITION: February 21, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12158. Adulteration of pickles. U. S. v. 750 Cartons * * *. (F. D. C. No. 22474. Sample No. 40147–H.)

LIBEL FILED: February 2, 1947, Western District of Tennessee.

ALLEGED SHIPMENT: On or about August 22, 1946, by the Atkins Packing Company, from Atkins, Ark.

PRODUCT: 750 cartons, each containing 24 16-fluid-ounce jars, of pickles at Memphis, Tenn.

LABEL, IN PART: "The Original Harvest Brand Home Style Pickles."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of dirt and grit.

DISPOSITION: April 30, 1947. The Atkins Packing Company, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

12159. Misbranding of dill pickles. U. S. v. 836 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 22513, 23080. Sample Nos. 62203–H, 62204–H, 82705–H, 82706–H.)

LIBELS FILED: On or about February 11 and June 20, 1947, District of Montana.

ALLEGED SHIPMENT: On or about July 22 and 25, 1946, by Aladdin Food Products, Inc., from Los Angeles, Calif.

PRODUCT: Dill pickles. 836 cases, each containing 12 jars, at Great Falls, Mont., and 304 cases, each containing 12 jars, at Bozeman, Mont.

LABEL, IN PART: "Contents 1 Pt. 8 Fl. Oz. Magic Brand Dill Pickles [or "Chips"]."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (Examination showed that the product was short-volume.)

DISPOSITION: April 17 and August 14, 1947. Default decrees of condemnation. The product was ordered delivered to public institutions.

12160. Adulteration of canned pimientos. U. S. v. 348 Cases * * *. (F. D. C. No. 22193. Sample Nos. 54814–H, 55207–H.)

LIBEL FILED: January 22, 1947, Western District of South Carolina.

ALLEGED SHIPMENT: On or about October 25, 1946, by the Concord Canning Co., from Concord, Ga.

PRODUCT: 348 cases, each containing 24 cans, of pimientos at Greenville, S. C.

LABEL, IN PART: (Cans) "Miss Georgia Brand Pieces Red Pimientos Contents 1 lb. 12 ozs. Packed by Besco Products Co., Zebulon, Ga."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: May 1, 1947. No claimant having appeared, judgment of condemnation was entered. It was ordered that the portion of the product which was found to be fit for human consumption be turned over to a Federal penitentiary, for use by the inmates, and that the portion which was found to be unfit be destroyed. Thereafter, the Concord Canning Co. filed a petition as claimant, requesting a modification of the decree of May 1, 1947; and on May 9, 1947, an amended decree was entered, ordering that the portion of the product which was found suitable for human consumption be released to the claimant under bond, to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

12161. Adulteration of canned pimientos. U. S. v. 519 Cases * * *. (F. D. C. No. 22265. Sample No. 66033–H.)

LIBEL FILED: February 4, 1947, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 29, 1946, by the Georgia Canning Co., from Wayside, Ga.

PRODUCT: 519 cases, each containing 24 4-ounce cans, of pimientos at Philadelphia, Pa.

LABEL, IN PART: "Spanish Trail Fancy Red Whole Pimientos."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: March 4, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12162. Adulteration and misbranding of canned pimientos. U. S. v. 50 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 22389, 22578, 22723, 22724, 22768. Sample Nos. 44716–H, 44722–H, 72669–H, 81429–H, 91605–H.)

LIBELS FILED: Between January 14 and April 14, 1947, Districts of Idaho, Utah, Arizona, and Oregon. The libel filed in the District of Utah was amended on or about June 10, 1947.

ALLEGED SHIPMENT: Between the approximate dates of October 31 and December 31, 1946, by Leverton-California Corporation, from Salt Lake City, Utah, and Los Angeles, Calif.

PRODUCT: Pimientos. 50 cases at Twin Falls, Idaho, 185 cases at Salt Lake City, Utah, 99 cases and 257 cases at Phoenix, Ariz., and 72 cases at Portland, Oreg. Each case in the lot of 99 cases contained 24 7-ounce jars, and each case in the other lots of the product contained 72 4-ounce cans.

LABEL, IN PART: "World Over Fancy Pimientos."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the Idaho lot of the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the other lots of the product failed to conform to the definition and standard for canned pimientos, since the product had not been processed by heat so as to prevent spoilage. (The product was decomposed.)

DISPOSITION: Between April 14 and June 20, 1947. Default decrees of condemnation and destruction.

12163. Misbranding of canned sweet potatoes. U. S. v. 47 Cases * * *. (F. D. C. No. 22630. Sample No. 62278–H.)

LIBEL FILED: On or about March 17, 1947, District of Montana.

ALLEGED SHIPMENT: On or about December 17, 1946, by John H. Dulany & Son, from Fruitland, Md.

PRODUCT: 47 cases, each containing 24 1-pound, 13-ounce cans, of sweet potatoes at Billings, Mont.

LABEL, IN PART: "J–H–D Dry Pack Mashed Sweet Potatoes."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the standard for canned sweet potatoes, since it had not been processed by heat so as to prevent spoilage. (Examination showed that the product was decomposed.)

DISPOSITION: June 19, 1947. Default decree of condemnation and destruction.

12164. Adulteration of sauerkraut. U. S. v. 159 Cases * * *. (F. D. C. No. 22333. Sample No. 67732–H.)

LIBEL FILED: December 30, 1946, District of Kansas.

ALLEGED SHIPMENT: On or about June 29, 1945, by the Goldsmith Pickle Co., from Chicago, Ill.

PRODUCT: 159 cases, each containing 12 1-fluid-quart jars, of sauerkraut at Hillsboro, Kans. The product contained excessive brine.

LABEL, IN PART: "Eatmore Brand * * * Bulk Style Sauer Kraut."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of being soft, mushy, and discolored; and, Section 402 (b) (2), brine had been substituted in part for sauerkraut, which the article was represented to be.

DISPOSITION: March 31, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12165. Adulteration of canned spinach. U. S. v. 57 Cases * * *. (F. D. C. No. 22369. Sample No. 48722–H.)

LIBEL FILED: January 8, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about March 19, 1946, by the Montgomery Canning Co., from Mission, Tex.

PRODUCT: 57 cases, each containing 24 1-pound, 2-ounce cans, of spinach at Denver, Colo.

LABEL, IN PART: "Bohannon Spinach * * * Packed By W. C. Bohannon Canning Co. Mission, Texas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: March 5, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12166. Adulteration of canned turnip greens. U. S. v. 114 Cases * * *. (F. D. C. No. 22381. Sample Nos. 49662–H, 49672–H.)

LIBEL FILED: January 15, 1947, Eastern District of Texas.

ALLEGED SHIPMENT: On or about September 14, 1946, by C. O. Pardue and Son, from Springdale, Ark.

PRODUCT: 114 cases, each containing 6 6-pound, 2-ounce cans, of turnip greens at Tyler, Tex.

LABEL, IN PART: "Staff-O-Life Brand Turnip Greens Distributed By Canners Exchange, Inc. Springfield, Mo."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: February 6, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12167. Adulteration and misbranding of canned mixed vegetables. U. S. v. 158½ Cases * * *. (F. D. C. No. 22634. Sample No. 82511–H.)

LIBEL FILED: March 14, 1947, Western District of Washington.

ALLEGED SHIPMENT: On or about November 15, 1946, by Gibbs & Company, Inc., from Baltimore, Md.

PRODUCT: 158½ cases, each containing 24 1-pound, 4-ounce cans, of mixed vegetables at Seattle, Wash.

LABEL, IN PART: "Gibbs Mixed Vegetables * * * Consisting of Carrots, Stringless Beans, White Potatoes, Celery, Peas, Lima Beans, Turnips, Water and Salt added."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), brine had been substituted in part for mixed vegetables.

Misbranding, Section 403 (a), the label vignette of a dish of vegetables containing substantial proportions of peas, stringbeans, and celery was misleading as applied to this article, which consisted essentially of carrots and potatoes, with small amounts of stringbeans, turnips, peas, celery, and lima beans.

DISPOSITION: June 20, 1947. Gibbs & Company, claimant, having withdrawn its appearance previously filed, judgment of condemnation was entered and the product was ordered delivered to the Marine Hospital, Seattle, Wash.

TOMATOES AND TOMATO PRODUCTS

12168. Adulteration of canned tomatoes. U. S. v. 1,421 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 23115, 23452. Sample Nos. 57285–H, 90779–H, 90789–H.)

LIBELS FILED: May 13 and June 23, 1947, District of Columbia and District of Massachusetts.

ALLEGED SHIPMENT: On or about March 24 and April 1, 1947, by the Steinfeldt-Thompson Co., from Dania, Fla.

PRODUCT: Canned tomatoes. 1,421 cases, each containing 6 6-pound, 6-ounce cans, at Washington, D. C., and 117 cases, each containing 24 1-pound, 3-ounce cans, at Chicopee, Mass.

LABEL, IN PART: "Golden Harvest [or "Harvest Pride"] Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: August 11 and October 6, 1947. No claimant having appeared for the Chicopee lot, and the shipper having consented to the entry of a decree in the District of Columbia action, judgments of condemnation were entered and the product was ordered destroyed.

12169. Adulteration and misbranding of canned tomatoes. U. S. v. 120 Cases * * *. (F. D. C. No. 22598. Sample No. 67571–H.)

LIBEL FILED: March 4, 1947, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about September 21, 1946, by the Marshfield Supply Co., from Marshfield, Mo.

PRODUCT: 120 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Enid, Okla.

LABEL, IN PART: "Ozark Chief Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing added water had been substituted in whole or in part for canned tomatoes.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity prescribed for canned tomatoes, since it contained added water, which is not a permitted ingredient of canned tomatoes.

DISPOSITION: April 18, 1947. The Marshfield Supply Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled in compliance with the law, under the supervision of the Federal Security Agency.

12170. Adulteration and misbranding of canned tomatoes. U. S. v. 1,254 Cases * * *. (F. D. C. No. 22130. Sample No. 40870–H.)

LIBEL FILED: December 26, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 1 and 9, 1946, by the Johnson & Steele Canning Co., from Cairo, Ill.

PRODUCT: 1,254 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at St. Louis, Mo.

LABEL, IN PART: "Nancy Lee Brand Tomatoes Packed for Steele Canning Co. Springdale, Ark."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

Misbranding, Section 403 (h) (1), the article was substandard in quality by reason of its low drained weight.

DISPOSITION: February 25, 1947. The Johnson & Steele Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the good portion be separated from the bad and relabeled, under the supervision of the Federal Security Agency.

12171. Misbranding of canned tomatoes. U. S. v. 70 Cases * * *. (F. D. C. No. 22757. Sample No. 91092–H.)

LIBEL FILED: April 4, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about September 21 and 29, 1946, by Saratoga Distributors, Yonkers, N. Y., from the Orange Canning Co., Inc., Orange, Conn.

PRODUCT: 70 cases, each containing 24 cans, of tomatoes at White Plains, N. Y. The product was substandard in quality because of the presence of peel in excess of the amount permitted by the standard. A portion of the cans were labeled "1 Lb. 3 Oz.," and the remainder were labeled "1 Lb. 12 Oz." The average net weight was 1 pound, 4.2 ounces.

LABEL, IN PART: "Connecticut's Pride Brand Hand Packed Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was substandard in quality; and, Section 403 (e) (2), a portion of the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: April 28, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

12172. Misbranding of canned tomatoes. U. S. v. 891 Cases * * *. (F. D. C. No. 22704. Sample No. 55310–H.)

LIBEL FILED: March 20, 1947, Southern District of Georgia.

ALLEGED SHIPMENT: On or about October 19, 1946, by the Elkins Canning Company, from Fayetteville, Ark.

PRODUCT: 891 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Waycross, Ga.

LABEL, IN PART: "White River Valley Brand Extra Standard Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard in quality by reason of its low drained weight.

DISPOSITION: April 23, 1947. Glynn Distributors, Brunswick, Ga., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

12173. Misbranding of canned tomatoes. U. S. v. 374 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 22117, 22198. Sample Nos. 51677–H, 72924–H.)

LIBELS FILED: December 23, 1946, and January 24, 1947, District of Minnesota and Southern District of Ohio. The libel filed on December 23, 1946, was amended January 2, 1947.

ALLEGED SHIPMENT: On or about September 9 and 17, 1946, by the Lutz Canning Co., from Delphi, Ind.

PRODUCT: 374 cases at St. Paul, Minn., and 1,887 cases at Cincinnati, Ohio. Each case contained 6 cans of tomatoes. The product was invoiced as "Fancy Tomatoes," and no written labeling agreement existed between the shipper and the consignee.

NATURE OF CHARGE: Misbranding, Section 403 (e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (g) (2), it purported to be and was represented as canned tomatoes, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear as required, the name of the food specified in the definition and standard; and, Section 403 (h) (1), it fell below the standard of quality by reason of an excess of tomato peel, and it was not labeled to show that it was substandard.

DISPOSITION: February 13 and 24, 1947. The Lutz Canning Co., Indianapolis, Ind., and the Fall Creek Canning Co., Inc., Pendleton, Ind., claimants for the St. Paul and Cincinnati lots, respectively, having consented to the entry of decrees, judgments of condemnation were entered. The product was ordered released under bond, conditioned that it be labeled in compliance with the law, under the supervision of the Federal Security Agency.

12174. Misbranding of canned tomatoes. U. S. v. 950 Cases * * *. (F. D. C. No. 22142. Sample No. 53918–H.)

LIBEL FILED: January 7, 1947, Northern District of Ohio.

ALLEGED SHIPMENT: On or about October 18, 1946, by the Blue Cross Products Co., from Little Rock, Ark.

PRODUCT: 950 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Cleveland, Ohio.

LABEL, IN PART: (Cans) "Smith's Beauty Hand Packed Tomatoes * * * Distributed by Smith Canning Company Fayetteville, Ark."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard by reason of its low drained weight.

DISPOSITION: February 6, 1947. The Blue Cross Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

12175. Misbranding of canned tomatoes. U. S. v. 228 Cases * * *. (F. D. C. No. 22155. Sample No. 52185–H.)

LIBEL FILED: January 6, 1947, District of North Dakota.

ALLEGED SHIPMENT: On or about September 16, 1946, by the Smith Canning Co., from Fayetteville, Ark.

PRODUCT: 228 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Bismarck, N. Dak.

LABEL, IN PART: "Smith's Beauty Hand Packed Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes by reason of its low drained weight.

DISPOSITION: March 3, 1947. The Bismarck Grocery Co., Bismarck, N. Dak., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

12176. Misbranding of canned tomatoes. U. S. v. 1,800 Cases * * *. (F. D. C. No. 22207. Sample No. 40140–H.)

LIBEL FILED: January 27, 1947, Western District of Tennessee.

ALLEGED SHIPMENT: On or about November 8, 1946, by the Meyers Milling Co., from Harrison, Ark.

PRODUCT: 1,800 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Memphis, Tenn.

LABEL, IN PART: "Alpena Brand Tomatoes * * * Packed by Alpena Canning Company Alpena Pass, Ark."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes by reason of its low drained weight.

DISPOSITION: April 2, 1947. Malone & Hyde, Inc., Memphis, Tenn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

12177. Misbranding of canned tomatoes. U. S. v. 1,947 Cases * * *. (F. D. C. No. 22234. Sample No. 54351–H.)

LIBEL FILED: February 1, 1947, Western District of South Carolina.

ALLEGED SHIPMENT: On or about August 31, 1946, by the Hague Packing Company, from Richmond, Va.

PRODUCT: 1,947 cases, each containing 24 cans, of tomatoes at Spartanburg, S. C. No written agreement existed between the shipper and the consignee as to the labeling of the product, but labels furnished by the Hague Packing Company and shipped with the product read: "Wife's Pride Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (g) (2), the label failed to bear, as required by regulations, the name of the food specified in the definition and standard for canned tomatoes; and, Section 403 (h) (1); the article fell below the standard by reason of an excess of tomato peel and blemishes.

DISPOSITION: May 1, 1947. The Hague Packing Company, Hague, Va., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

12178. Misbranding of canned tomatoes. U. S. v. 1,787 Cases * * *. (F. D. C. No. 22243. Sample No. 67727–H.)

LIBEL FILED: February 6, 1947, District of Kansas.

ALLEGED SHIPMENT: On or about August 23, 1946, by the Washburn Canning Co., from Washburn, Mo.

PRODUCT: 1,787 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Hutchinson, Kans. The product was shipped unlabeled, and no written agreement existed between the shipper and the consignee as to the labeling.

NATURE OF CHARGE: Misbranding, Section 403 (e), the label of the article failed to contain the name and place of business of the manufacturer, packer, or dis-

tributor, and an accurate statement of the quantity of the contents; Section 403 (g) (2), it failed to bear the name of the food specified in the definition and standard for canned tomatoes; and, Section 403 (h) (1), the article fell below the standard for canned tomatoes by reason of its low drained weight.

DISPOSITION: March 10, 1947. The Washburn Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be relabeled under the supervision of the Federal Security Agency.

12179. Misbranding of canned tomatoes. U. S. v. 996 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 22318 to 22320, incl. Sample Nos. 48981–H, 50253–H, 67964–H.)

LIBELS FILED: February 28 and March 3 and 20, 1947, Northern District of Alabama, Eastern District of Oklahoma, and Northern District of Texas.

ALLEGED SHIPMENT: On or about August 30, September 2, and October 11, 1946, by the Thomas & Drake Canning Co., from Fayetteville, Ark.

PRODUCT: Canned tomatoes. 996 cases at Birmingham, Ala., 950 cases at Brownwood, Tex., and 1,800 cases at Ada, Okla. Each case contained 24 1-pound, 3-ounce cans.

LABEL, IN PART: (Cans) "Elm Tomatoes," "Staff-O-Life Brand * * * Hand Packed Tomatoes Distributed by Canners Exchange Inc. Springfield, Mo.," or "Concho Brand Tomatoes * * * Distributed by Waples-Platter Co."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes, in that the drained weight was less than 50 percent of the weight of water required to fill the container, and the article was not labeled as substandard, as required by the regulations.

DISPOSITION: April 1, 10, and 24, 1947. C. N. Watson, Huntsville, Ark., claimant for the Alabama lot, the Crowe Canning Co., Wesley, Ark, claimant for the Oklahoma lot, and E. V. Watson, claimant for the Texas lot, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for relabeling, under the supervision of the Food and Drug Administration.

12180. Adulteration of canned tomato puree. U. S. v. Sardik Food Products Corporation. Plea of guilty. Fine, $500. (F. D. C. No. 22086. Sample Nos. 2096–H, 59999–H, 60950–H, 61303–H, 61306–H.)

INFORMATION FILED: June 17, 1947, Western District of New York, against the Sardik Food Products Corporation, Lockport, N. Y.

ALLEGED SHIPMENT: On or about November 13 and 14, 1946, from the State of New York into the States of Ohio and Pennsylvania, and the District of Columbia.

LABEL, IN PART: "Sardik Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of rotten tomato material.

DISPOSITION: December 8, 1947. A plea of guilty having been entered on behalf of the defendant, a fine of $500 was imposed.

12181. Adulteration of canned tomato puree. U. S. v. Orestes Canning Company, Inc., and Grover C. Hutcherson. Pleas of guilty. Fines of $200 against the corporation and $100 against the individual. (F. D. C. No. 22087. Sample Nos. 22481–H, 52828–H.)

INFORMATION FILED: On or about July 18, 1947, Southern District of Indiana, against the Orestes Canning Company, Inc., trading at Elwood and Orestes, Ind., and Grover C. Hutcherson, manager of the Orestes plant of the corporation.

ALLEGED SHIPMENT: Between the approximate dates of September 24 and October 31, 1945, from the State of Indiana into the States of Illinois, Tennessee, and Missouri.

LABEL, IN PART: (Portions) "Mary Jane Watson Tomato Puree * * * Distributed by Grocers Wholesale, Incorporated, Chicago, Ill.," or "Hermitage Tomato Puree." The remainder of the article was unlabeled.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: July 18, 1947. Pleas of guilty having been entered, the court imposed fines of $200 against the corporation and $100 against the individual.

12182. Adulteration of tomato puree. U. S. v. 65 Cases * * *. (F. D. C. No. 22518. Sample No. 41244–H.)

LIBEL FILED: February 11, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 29, 1946, by the Orestes Canning Co., Inc., Elwood, Ind., from Orestes, Ind.

PRODUCT: 65 cases, each containing 48 10½-ounce cans, of tomato puree at St. Louis, Mo.

LABEL, IN PART: "Dinner Party Brand Tomato Puree * * * Distributors Dinner Party Foods, Inc., Waterloo, Iowa."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: March 12, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12183. Adulteration of tomato puree. U. S. v. 422 Cases * * *. (F. D. C. Nos. 22408 to 22412, incl. Sample Nos. 70553–H, 70554–H, 70684–H.)

LIBEL FILED: January 20, 1947, Southern District of California.

ALLEGED SHIPMENT: On or about October 18, 1946, by D. E. Foote & Co., Inc., from Baltimore, Md.

PRODUCT: Tomato puree. 322 cases at Los Angeles and 100 cases at Long Beach, Calif. Each case contained 24 1-pound, 4-ounce cans.

LABEL, IN PART: "Family Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: April 3, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12184. Adulteration of tomato puree. U. S. v. 675 Cases * * *. (F. D. C. No. 22180. Sample No. 64829–H.)

LIBEL FILED: January 13, 1947, Eastern District of New York.

ALLEGED SHIPMENT: On or about November 26, 1946, by John N. Wright, Jr., from Federalsburg, Md.

PRODUCT: 675 cases, each containing 6 cans, of tomato puree at Maspeth, Long Island, N. Y.

LABEL, IN PART: (Cans) "Wright's Tomato Puree * * * Contents 6 Lbs. 8 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: June 19, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12185. Misbranding of tomato puree. U. S. v. 349 Cases * * *. (F. D. C. No. 22563. Sample No. 54127–H.)

LIBEL FILED: February 24, 1947, Southern District of Indiana.

ALLEGED SHIPMENT: On or about June 25 and 28, 1946, by the Scrivner Stevens Co., from Oklahoma City, Okla.

PRODUCT: 349 cases, each containing 48 10½-ounce cans, of tomato puree at Indianapolis, Ind.

LABEL, IN PART: "Frost Brand Tomato Puree Packed by Delta Canning Co., Raymondville, Texas."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato puree, since it contained less than 8.37 percent of salt-free tomato solids, the minimum permitted by the definition and standard.

DISPOSITION: May 5, 1947. No claimant having appeared, judgment was entered ordering that the product be delivered to charitable institutions.

12186. Misbranding of tomato puree. U. S. v. 322 Cases * * *. (F. D. C. No. 22212. Sample No. 54347–H.)

LIBEL FILED: February 3, 1947, Western District of North Carolina.

ALLEGED SHIPMENT: On or about November 29, 1946, by the Ray Packing Co., from Elwood, Ind.

PRODUCT: 322 cases, each containing 6 cans, of tomato puree at Charlotte, N. C. Examination showed that the article was short-weight.

LABEL, IN PART: "Indiana King tomato puree Contents 6 lbs. 8 oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents.

DISPOSITION: March 6, 1947. Select Foods, Inc., Charlotte, N. C., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

12187. Misbranding of tomato puree. U. S. v. 21 Cases * * *. (F. D. C. No. 22903. Sample No. 53787–H.)

LIBEL FILED: April 7, 1947, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about November 23, 1946, by the Jaggers Wholesale Grocery Co., from Indianapolis, Ind.

PRODUCT: 21 cases, each containing 48 10½-ounce cans, of tomato puree at Jenkins, Ky.

LABEL, IN PART: "Indiana Chief Brand Tomato Puree * * * Packed by Orestes Canning Company, Orestes, Ind."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato puree, since it contained less than 8.37 percent of salt-free tomato solids, the minimum permitted by the definition and standard.

DISPOSITION: May 8, 1947. Default decree of condemnation. The product was ordered delivered to a public welfare institution.

NUTS AND NUT PRODUCTS

12188. Adulteration of peanuts. U. S. v. 30 Bags * * *. (F. D. C. No. 22425. Sample No. 73392–H.)

LIBEL FILED: January 22, 1947, District of Minnesota.

ALLEGED SHIPMENT: On or about October 24, 1946, from Suffolk, Va.

PRODUCT: 30 100-pound bags of peanuts at Minneapolis, Minn., in possession of the Gamble Robinson Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of filthy and decomposed substances by reason of the presence of insects and moldy, rodent-gnawed peanuts; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. (The product had been stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta was observed around the bags.)

DISPOSITION: June 2, 1947. The claimant having consented to the entry of a decree, judgment was entered ordering that the product be denatured for use as animal feed, under the supervision of the Food and Drug Administration; otherwise, it was to be destroyed. The product was used for animal feed.

12189. Adulteration of pecans. U. S. v. 6 Bags * * *. (F. D. C. No. 22360. Sample No. 39517–H.)

LIBEL FILED: January 3, 1947, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about September 21, 1946, by the Southeastern Pecan Co., Inc., from Waycross, Ga.

PRODUCT: 6 50-pound bags of pecans at Milwaukee, Wis.

LABEL, IN PART: "Gulf Kist Brand Pecans Oversize Blend."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy, rancid, and decomposed pecans.

DISPOSITION: March 28, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12190. Adulteration of pecan pieces. U. S. v. 17 Cartons * * *. (F. D. C. No. 22635. Sample No. 50551–H.)

LIBEL FILED: March 13, 1947, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about December 11, 1946, by the Greenville Pecan Co., from Greenville, Ala.

PRODUCT: 17 25-pound cartons of pecan pieces at New Orleans, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. (Examination disclosed the presence of rancid and moldy pecan pieces.)

DISPOSITION: April 28, 1947. Default decree of condemnation and destruction.

12191. Adulteration of shelled pecans. U. S. v. 9 Boxes * * *. (F. D. C. No. 22654. Sample No. 81846–H.)

LIBEL FILED: March 24, 1947, Eastern District of Washington.

ALLEGED SHIPMENT: On or about January 2, 1947, by the Dixie Paper Shell Pecan Exchange, Inc., from Barnesville, Ga.

PRODUCT: 9 60-pound boxes of shelled pecans at Spokane, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of *E. coli*.

DISPOSITION: May 12, 1947. The Dixie Paper Shell Pecan Exchange, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the contaminated portion be segregated from the good portion and that both be disposed of in compliance with the law, under the supervision of the Federal Security Agency.

12192. Adulteration of black walnut kernels. U. S. v. 21 Boxes * * *. (F. D. C. No. 22503. Sample No. 65471–H.)

LIBEL FILED: February 10, 1947, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 4, 1946, by Dutt and Wagner, from Kingsport, Tenn.

PRODUCT: 21 5-pound boxes of black walnut kernels at Lansford, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of *E. coli*.

DISPOSITION: April 3, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12193. Adulteration and misbranding of peanut butter. U. S. v. Witwer Grocer Co. (I. O. A. Foods), a corporation, and Ross E. Grange. Pleas of guilty. Corporation fined $250 and costs; individual fined $50. (F. D. C. No. 22104. Sample Nos. 77516–H, 77517–H.)

INFORMATION FILED: September 25, 1947, Northern District of Iowa, against the Witwer Grocer Company, trading as I. O. A. Foods, and Ross E. Grange, manager of I. O. A. Foods.

ALLEGED SHIPMENT: On or about February 17, 1947, from the State of Iowa into the State of Wisconsin.

LABEL, IN PART: (Cartons) "Peanut Butter * * * Taste-Rite Brand * * * Finest No. 1 Peanuts"; (jars) "Taste-Rite Brand Net Weight 2 Lbs. [or "6 Ozs."] Peanut Butter Finest No. 1 Peanuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects and insect fragments.

Misbranding, Section 403 (a), the statement on the cartons and jars "Finest No. 1 Peanuts" was false and misleading, since the product was not manufactured from peanuts of high quality, but was manufactured from insect-infested peanuts.

DISPOSITION: September 25, 1947. Pleas of guilty having been entered on behalf of the defendants, the corporation was fined $250, plus costs, and the individual defendant was fined $50.

12194. Adulteration of peanut butter. U. S. v. 40 Cases, etc. (F. D. C. No. 23053. Sample Nos. 35821–H, 35822–H.)

LIBEL FILED: May 16, 1947, Western District of Arkansas.

ALLEGED SHIPMENT: On or about March 6, 1947, by Empire Foods, Oklahoma City, Okla.

PRODUCT: 40 cases, each containing 12 2-pound jars, and 22 cases, each containing 24 1-pound jars, of peanut butter at Springdale, Ark.

LABEL, IN PART: "Rich Nut Brand Peanut Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 25, 1947. Default decree of condemnation and destruction.

OILS AND FATS

12195. Adulteration and misbranding of oil. U. S. v. 15 Cans * * *. (F. D. C. No. 22506. Sample No. 50165–H.)

LIBEL FILED: February 7, 1947, Southern District of Texas.

ALLEGED SHIPMENT: On or about November 1, 1946, by Paramount Food, from New York, N. Y.

PRODUCT: 15 unlabeled cans, each containing 5 gallons, of oil at Houston, Tex. The product was purchased as olive oil and was repackaged and sold as olive oil. Analysis showed that it consisted essentially of cottonseed oil, with a small amount of olive oil.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article consisting essentially of cottonseed oil, with a small amount of olive oil, had been substituted for olive oil, which the article was represented to be.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food, olive oil; Section 403 (e) (1), it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (i) (2), it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: September 8, 1947. The La Vita Italian Oil Corporation, Houston, Tex., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Food and Drug Administration.

12196. Adulteration of olive oil. U. S. v. 14 Cartons * * *. (F. D. C. No. 22637. Sample No. 64728–H.)

LIBEL FILED: March 14, 1947, Northern District of New York.

ALLEGED SHIPMENT: On or about October 15 and November 1, 1946, by Frank Saputo, from Fairview, N. J.

PRODUCT: 14 cartons, each containing 6 1-gallon cans, of olive oil at Syracuse, N. Y.

LABEL, IN PART: "Extra Fine Olive Oil Colomba Brand."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), artificially colored mineral oil had been substituted for olive oil, which the article was represented to be.

DISPOSITION: April 28, 1947. Default decree of condemnation and destruction.

12197. Misbranding of edible oil. U. S. v. 97 Cases * * *. (F. D. C. No. 22469. Sample No. 54692–H.)

LIBEL FILED: February 5, 1947, Northern District of Ohio.

ALLEGED SHIPMENT: On or about December 16, 1946, by Dominic La Reccia, from Tampa, Fla.

PRODUCT: 97 cases, each containing 6 1-gallon cans, of edible oil at Cleveland, Ohio, in possession of the Mayfield Importing Co. This was a return shipment.

LABEL, IN PART: "1 Gal."

NATURE OF CHARGE: Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer,

or distributor; and, Section 403 (i) (2), it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient.

DISPOSITION: February 24, 1947. The Mayfield Importing Co., Cleveland, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be labeled in compliance with the law, under the supervision of the Food and Drug Administration.

12198. Adulteration of french dressing. U. S. v. 349 Cases * * *. (F. D. C. No. 22422. Sample Nos. 68003–H, 68007–H.)

LIBEL FILED: January 24, 1947, District of Nebraska.

ALLEGED SHIPMENT: Between the approximate dates of April 5 and October 17, 1946, by the George Importing Co., from Chicago, Ill.

PRODUCT: 141 cases, each containing 4 1-gallon jugs, 49 cases, each containing 12 1-quart bottles, and 159 cases, each containing 24 12-ounce bottles, of french dressing at Omaha, Nebr.

LABEL, IN PART: "Maurice's French Dressing."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added deleterious substance, mineral oil, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice; Section 402 (b) (1), valuable constituents, edible vegetable oil and sugar, had been in whole or in part omitted from the article; and, Section 402 (b) (2), a product containing nonnutritive mineral oil and saccharin had been substituted in whole or in part for french dressing containing edible vegetable oil and sugar.

DISPOSITION: March 4, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12199. Adulteration and misbranding of french dressing. U. S. v. 140 Cases * * *. (F. D. C. No. 22449. Sample No. 50856–H.)

LIBEL FILED: January 29, 1947, Northern District of Iowa.

ALLEGED SHIPMENT: Between the approximate dates of August 5 and December 18, 1946, by the Kaplan Wholesale Grocer Co., from Chicago, Ill.

PRODUCT: French dressing. 55 cases, each containing 12 16-ounce bottles, 40 cases, each containing 24 8-ounce bottles, and 45 cases, containing mixed 16-, 12-, and 8-ounce bottles, at Sioux City, Iowa.

LABEL, IN PART: "Maurice's French Dressing * * * Mfg. by George Importing Co. Chicago."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added deleterious substance, mineral oil, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice; Section 402 (b) (1), valuable constituents, edible vegetable oil and sugar, had been in whole or in part omitted from the article; and, Section 402 (b) (2), a product containing nonnutritive mineral oil and saccharin had been substituted in whole or in part for french dressing containing edible vegetable oil and sugar.

Misbranding, Section 403 (a), the label statement "French Dressing" was false and misleading.

DISPOSITION: March 4, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12200. Adulteration and misbranding of French Style Dressing. U. S. v. 24 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 22351, 22352, 22359. Sample Nos. 46985–H, 46986–H, 46989–H.)

LIBELS FILED: December 31, 1946, and January 2, 1947, Western District of Pennsylvania and Northern District of Ohio.

ALLEGED SHIPMENT: On or about November 23, 1946, by the Pacific Vinegar Co., from Richmond, Calif.

PRODUCT: French Style Dressing. 445 cases at New Castle, Pa., and 224 cases at Youngstown, Ohio. Each case contained 24 12-ounce bottles of the product.

LABEL, IN PART: "Maynor's French Style Dressing."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, oil, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a), the label designation "French Style Dressing" was false and misleading as applied to a product which contained no oil.

DISPOSITION: April 1 and 23, 1947. No claimant having appeared for any of the lots, judgments of condemnation were entered and the product was ordered destroyed.

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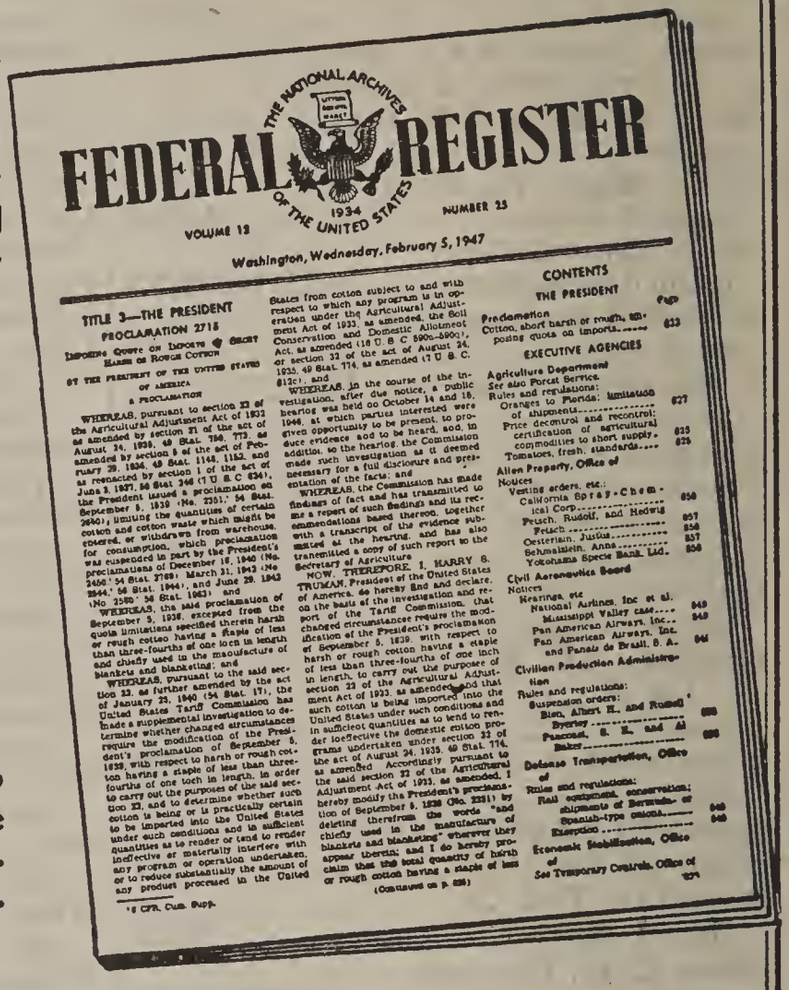
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TITLE 3—THE PRESIDENT

PROCLAMATION 2718

IMPOSING QUOTA ON IMPORTS OF SHORT HARSH OR ROUGH COTTON

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act of 1933 as amended by section 32 of the act of August 24, 1935, 49 Stat. 750, 773, as amended by section 8 of the act of February 29, 1936, 49 Stat. 1148, 1152, and as reenacted by section 1 of the act of June 3, 1937, 50 Stat. 246 (7 U. S. C. 624), the President issued a proclamation on September 5, 1939 (No. 2351; 54 Stat. 2640), limiting the quantities of certain cotton and cotton waste which might be entered, or withdrawn from warehouse, for consumption, which proclamation was suspended in part by the President's proclamations of December 18, 1940 (No. 2456; 54 Stat. 2789), March 31, 1942 (No. 2544; 56 Stat. 1944), and June 29, 1943 (No. 2580; 58 Stat. 1063); and

WHEREAS, the said proclamation of September 5, 1939, excepted from the quota limitations specified therein harsh or rough cotton having a staple of less than three-fourths of one inch in length and chiefly used in the manufacture of blankets and blanketing; and

WHEREAS, pursuant to the said section 22, as further amended by the act of January 25, 1940 (54 Stat. 171), the United States Tariff Commission has made a supplemental investigation to determine whether changed circumstances require the modification of the President's proclamation of September 5, 1939, with respect to harsh or rough cotton having a staple of less than three-fourths of one inch in length, in order to carry out the purposes of the said section 22, and to determine whether such cotton is being or is practically certain to be imported into the United States under such conditions and in sufficient quantities as to render or tend to render ineffective or materially interfere with any program or operation undertaken, or to reduce substantially the amount of any product processed in the United States from cotton subject to and with respect to which any program is in operation under the Agricultural Adjustment Act of 1933, as amended, the Soil Conservation and Domestic Allotment Act, as amended (16 U. S. C. 590a–590q), or section 32 of the act of August 24, 1935, 49 Stat. 774, as amended (7 U. S. C. 612c); and

WHEREAS, in the course of the investigation, after due notice, a public hearing was held on October 14 and 15, 1946, at which parties interested were given opportunity to be present, to produce evidence and to be heard, and in addition, to the hearing, the Commission made such investigation as it deemed necessary for a full disclosure and presentation of the facts; and

WHEREAS, the Commission has made findings of fact and has transmitted to me a report of such findings and its recommendations based thereon, together with a transcript of the evidence published at the hearing, and has also transmitted a copy of such report to the Secretary of Agriculture; and

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby find and declare, on the basis of the investigation and report of the Tariff Commission, that changed circumstances require the modification of the President's proclamation of September 5, 1939, with respect to harsh or rough cotton having a staple of less than three-fourths of one inch in length, to carry out the purposes of section 22 of the Agricultural Adjustment Act of 1933, as amended, and that such cotton is being imported into the United States under such conditions and in sufficient quantities as to tend to render ineffective the domestic cotton programs undertaken under section 32 of the act of August 24, 1935, 49 Stat. 774, as amended. Accordingly, pursuant to the said section 22 of the Agricultural Adjustment Act of 1933, as amended, I hereby modify the President's proclamation of September 5, 1939 (No. 2351), by deleting therefrom the words "and chiefly used in the manufacture of blankets and blanketing" wherever they appear therein; and I do hereby proclaim that the total quantity of harsh or rough cotton having a staple of less

(Continued on p. 626)

3 CFR, Cum. Supp.

A sample copy and information on request to the Federal Register
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THE FEDERAL REGISTER publishes daily the full text of Presidential Proclamations and Executive orders and any order, regulation, notice, or similar document promulgated by Federal administrative agencies which has general applicability and legal effect. A partial list of subjects covered includes:

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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

12201–12400

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

OSCAR R. EWING, *Administrator, Federal Security Agency.*

WASHINGTON, D. C., *March 30, 1948.*

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BEVERAGES AND BEVERAGE MATERIALS

12201. Adulteration of beer. U. S. v. 826 Cases, etc. (and 2 other seizure actions). (F. D. C. Nos. 21415, 21416, 21704. Sample Nos. 25059–H, 50062–H, 50063–H, 53529–H.)

LIBELS FILED: November 7, 8, and 12, 1946, Western District of Louisiana, Middle District of Alabama, and Middle District of Tennessee.

ALLEGED SHIPMENT: Between the approximate dates of September 11 and 25, 1946, by the Hartig Company, from Watertown, Wis.

PRODUCT: 1,420 cases at Opelika, Ala., 1,462 cases at Monroe, La., and 1,200 cases at Nashville, Tenn., each case containing 24 12-ounce bottles of beer.

LABEL, IN PART: "Old Wisconsin Premium Beer," "Hartig's Special Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), (Nashville lot and a portion of Opelika lot) the product contained an added poisonous and deleterious substance, monochloracetic acid, which is unsafe within the meaning of the law; and, (remainder of Opelika lot and Monroe lot) Section 402 (a) (3), the product was unfit for food by reason of being sour.

DISPOSITION: February 6 and 21, 1947. The Acme Beverage Company having appeared as claimant for the Monroe lot, and the Wells Beer Co. having appeared as claimant for the Nashville lot, judgments of condemnation were entered and the product was ordered destroyed and the bottles salvaged by the claimants. On December 6, 1946, no claimant having appeared for the Opelika lot, judgment of condemnation was entered and the product was ordered destroyed.

12202. Adulteration of beer. U. S. v. 530 Cases * * *. (F. D. C. No. 23074. Sample No. 52333–H.)

LIBEL FILED: June 12, 1947, Northern District of Iowa.

ALLEGED SHIPMENT: On or about April 23, 1947, by the Mankato Brewing Company, from Mankato, Minn.

PRODUCT: 530 cases, each containing 24 bottles, of beer at Estherville, Iowa.

LABEL, IN PART: "Kato Black Label Pilsner Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of soot, plant matter, rust, and nondescript dirt; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 12, 1947. Default decree of condemnation and destruction, with provision for salvage and sale of containers.

12203. Adulteration of beer. U. S. v. 236 Cases * * *. (F. D. C. No. 23507. Sample No. 55516–H.)

LIBEL FILED: July 21, 1947, Western District of North Carolina.

ALLEGED SHIPMENT: On or about February 18, 1947, by the Lancaster Brewery, Inc., from Lancaster, Pa.

PRODUCT: 236 cases, each containing 24 12-fluid-ounce bottles, of beer at Charlotte, N. C.

LABEL, IN PART: "Hans Busch Royal Premium Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and clumps of mold.

DISPOSITION: August 21, 1947. Default decree of condemnation and destruction.

12204. Misbranding of beer. U. S. v. 1,497 Cases * * *. (F. D. C. No. 21382. Sample No. 50104–H.)

LIBEL FILED: October 29, 1946, Western District of Texas.

ALLEGED SHIPMENT: On or about September 14, 1946, by the Charles Schaefer Corporation, from Bushwick, N. Y.

PRODUCT: 1,497 cases, each containing 24 bottles, of beer at San Antonio, Tex.

LABEL, IN PART: "Dorquest Quality Beer Contents 12 Fl. Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The bottles contained less than the declared volume.)

DISPOSITION: March 21, 1947. N. O. Ellison, Jr., San Antonio, Tex., claimant, having consented to the entry of a decree, judgment was entered ordering that the product be delivered to a local hospital.

12205. Adulteration of coffee. U. S. v. 258 Bags, etc. (F. D. C. No. 21661. Sample Nos. 64414–H, 64415–H.)

LIBEL FILED: November 22, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about September 11, 1946, by the General Food Sales Co., from Houston, Tex.

PRODUCT: 321 bags, each containing 100 pounds, of coffee at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food because it contained glass.

DISPOSITION: March 4, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12206. Adulteration of tea. U. S. v. 4,527 Cartons * * *. (F. D. C. No. 22957. Sample Nos. 91162–H, 91166–H.)

LIBEL FILED: April 22, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about January 15, 1947, by the Atlantic Packing Company, from Philadelphia, Pa.

PRODUCT: 4,527 cartons, each containing 36 packages, of tea at Newark, N. J.

LABEL, IN PART: "16 White Rose Tea Balls * * * Net 1¼ Ozs. Seeman Brothers Inc. Distributors, New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its creosote odor.

DISPOSITION: June 4, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

12207. Adulteration of bread. U. S. v. Sunrise Bakery Co., a partnership. Plea of nolo contendere. Fine of $400. (F. D. C. No. 23280. Sample Nos. 48244–H, 48366–H.)

INFORMATION FILED: On or about July 1, 1947, District of Colorado, against the Sunrise Bakery Co., Julesburg, Colo.

ALLEGED SHIPMENT: On or about July 24 and September 7, 1946, from the State of Colorado into the State of Nebraska.

LABEL, IN PART: "Sliced Sunrise Sliced Is Better Bread," or "Sliced Wheat Bread."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect parts, feather barbules, and rodent and other animal hairs; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 22 1947. A plea of nolo contendere having been entered, the court imposed a fine of $400.

12208. Adulteration of fruit cake. U. S. v. Hoenshel Fine Foods, Inc., and C. Lloyd Hoenshel. Pleas of nolo contendere. Fines against both defendants, $100 on each of 3 counts, and costs; fines on counts 2 and 3 suspended. (F. D. C. No. 23284. Sample Nos. 39686–H, 50336–H, 73401–H.)

INFORMATION FILED: July 8, 1947, Northern District of Ohio, against Hoenshel Fine Foods, Inc., a corporation, Sandusky, Ohio, and C. Lloyd Hoenshel, president.

ALLEGED SHIPMENT: Between the approximate dates of September 16 and December 7, 1946, from the State of Ohio into the States of Michigan, Louisiana, and Minnesota.

LABEL, IN PART: "Hoenshel Brandied Fruit Cake."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 20, 1947. Pleas of nolo contendere having been entered, the court imposed a fine of $100 against both defendants on each of three counts, and costs. The fines imposed on counts 2 and 3 were suspended.

12209. Adulteration of cookies and crackers. U. S. v. 274 Dozen Packages, etc. (and 2 other seizure actions). (F. D. C. Nos. 23137, 23152, 23163. Sample Nos. 4685–H to 4691–H, incl., 4693–H, 4694–H, 90852–H.)

LIBELS FILED: May 21 and 27 and June 3, 1947, Districts of Delaware and New Jersey.

ALLEGED SHIPMENT: Between the approximate dates of April 23 and May 7, 1947, by the Keebler-Weyl Baking Company, from Philadelphia, Pa.

PRODUCT: 1,222 dozen packages of cookies and crackers and 48 cartons of cookies at Wilmington, Del., and 144 cartons of cookies at Newark, N. J. The packages of the products were in ½-pound, 10-ounce, or 12-ounce sizes, and the cartons were in 6½-pound and 7½-pound sizes.

LABEL, IN PART: "Belmont Creme Sandwich," "Sandwich Teas," "Black Walnut Cookies," "Cocoanut Wafers," "Unsalted Crackers by Keebler," "Butter Flavored Slightly Sweet Thins," "Orange Creme Sandwich," "Tea Squares by Keebler," or "Milk Chocolate Wafers by Keebler."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect

fragments and rodent hairs; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: June 10, July 16, and August 4, 1947. Default decrees of condemnation and destruction.

12210. Adulteration of cookies. U. S. v. 33 Boxes * * *. (F. D. C. No. 23101. Sample No. 91232–H.)

LIBEL FILED: May 5, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about April 16, 1947, by R. Zatal Foods, Inc., from Bronx, N. Y.

PRODUCT: 33 5-pound boxes of cookies at Jersey City, N. J.

LABEL, IN PART: "Super-Fine Cookies."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, insects, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 11, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12211. Adulteration of cookies. U. S. v. 7 Cases * * *. (F. D. C. No. 23113. Sample No. 54933–H.)

LIBEL FILED: On or about May 16, 1947, Northern District of Georgia.

ALLEGED SHIPMENT: On or about March 15, 1947, by the Affiliated Bakers Co., from New York, N. Y.

PRODUCT: 7 cases, each containing 12 12-ounce packages, of chocolate cookies at Atlanta, Ga.

LABEL, IN PART: "Chocolate Fudge Tarties."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect parts; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 16, 1947. Default decree of condemnation and destruction.

12212. Adulteration of cookies. U. S. v. 156 Cartons * * *. (F. D. C. No. 22860. Sample Nos. 48836–H to 48839–H, incl.)

LIBEL FILED: April 18, 1947, Western District of Texas.

ALLEGED SHIPMENT: On or about February 18, 1947, by the Town Toast Company, Phoenixville, Pa.

PRODUCT: 730 cartons, each containing 12 cellophane-wrapped packages, of cookies at San Antonio, Tex.

LABEL, IN PART: "Town Toast Peanut-Buttered Lassies [or "Creams," or "Fruit Cookies"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 18, 1947. Default decree of forfeiture and destruction.

12213. Adulteration of cookies. U. S. v. 215 Cartons, etc. (F. D. C. No. 22748. Sample Nos. 91304–H to 91306–H, incl.)

LIBEL FILED: April 2, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about February 17 and March 6, 1947, by the Town Toast Co., Phoenixville, Pa.

PRODUCT: Cookies. 55 cartons, each containing 12 packages, and 160 cartons, each containing 36 packages, at New York, N. Y.

LABEL, IN PART: "Town Toast Creams," "Old Fashioned Lassies by Town Toast," or "Chocolate Fudge Cookies."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 2, 1947. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use other than human consumption.

12214. Adulteration of cookies. U. S. v. 16 Cases, etc. (F. D. C. Nos. 23449, 23450. Sample Nos. 74958–H to 74960–H, incl.)

LIBEL FILED: June 25, 1947, District of New Hampshire.

ALLEGED SHIPMENT: On or about April 1, 2, and 9, 1947, by the Terminal Sales Co., from Boston, Mass.

PRODUCT: Cookies. 16 cases, each containing 48 4-ounce packages, at Manchester, N. H.; and 1 case containing 317 packages, 1 case containing 33 packages, and 1 case containing 48 packages, at Nashua, N. H. Examination showed that the product was rancid.

LABEL, IN PART: (Packages) "Malted Creams Net Wgt. 4 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: September 2, 1947. Default decrees of condemnation and destruction.

12215. Misbranding of cookies. U. S. v. 337 Cartons * * *. (F. D. C. No. 22968. Sample No. 91171–H.)

LIBEL FILED: April 29, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about April 10 and 11, 1947, by Sunshine Biscuits, Inc., Long Island City, N. Y.

PRODUCT: 337 cartons, each containing 6 4-ounce packages, of cookies at Newark, N. J.

LABEL, IN PART: "Sunshine Chocolate Puffs."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container was so filled as to be misleading, since an additional cookie could easily be placed in each package. (The packages each contained 8 cookies.)

DISPOSITION: May 13, 1947. Sunshine Biscuits, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be repackaged under the supervision of the Food and Drug Administration.

12216. Misbranding of cookies. U. S. v. 25 Cartons * * *. (F. D. C. No. 23435. Sample No. 32600–H.)

LIBEL FILED: August 29, 1947, District of Montana.

ALLEGED SHIPMENT: On or about July 23, 1947, by Post Trading Co., from Los Angeles, Calif.

PRODUCT: 25 cartons, each containing 48 2-ounce packages, of cookies at Havre, Mont.

LABEL, IN PART: "Arrow-Root Animal Cookies with Toy or Novelty."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container was so filled as to be misleading. (The packages contained from 20 to 26 cookies, whereas 30 cookies could be placed in each package.)

DISPOSITION: November 14, 1947. Default decree of condemnation. Product ordered delivered to a charitable institution.

12217. Adulteration of pies. U. S. v. Utah Pie Co. Plea of guilty. Fine, $100. (F. D. C. No. 23338. Sample Nos. 30453–H, 91638–H, 91640–H.)

INFORMATION FILED: September 2, 1947, District of Utah, against the Utah Pie Co., a partnership, Salt Lake City, Utah.

ALLEGED SHIPMENT: On or about March 14, 1947, from the State of Utah into the State of Idaho.

LABEL, IN PART: "10¢ Utah Pies Cherry [or "Peach"]," or "Utah's Favorite Blueberry Pie 40¢."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hairs, cat hairs, and whole insects.

DISPOSITION: October 17, 1947. A plea of guilty having been entered, the court imposed a fine of $100.

FLOUR

Nos. 12218 to 12222 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.) The flour reported in **No. 12223** failed to meet the standard for enriched flour.

12218. Adulteration of plain flour and enriched phosphated flour. U. S. v. The Acme Flour Mills Co. Plea of guilty. Fine, $300. (F. D. C. No. 23326. Sample Nos. 41032–H, 41036–H, 50562–H.)

INFORMATION FILED: August 12, 1947, Western District of Oklahoma, against the Acme Flour Mills Co., Oklahoma City, Okla.

ALLEGED SHIPMENT: Between the approximate dates of February 22 and 28, 1947, from the State of Oklahoma into the States of Tennessee, Arkansas, and Louisiana.

LABEL, IN PART: "Acme Special Bakers" and "The Magic Miller's Best * * * Distributed by Superior Flour Co. * * * Little Rock, Ark. Enriched Phosphated Flour Bleached."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 29, 1947. A plea of guilty having been entered on behalf of the defendant, a fine of $300 was imposed.

12219. Adulteration of flour. U. S. v. 1,978 Bags * * *. (F. D. C. No. 23021. Sample No. 60999–H.)

LIBEL FILED: May 8, 1947, Western District of New York.

ALLEGED SHIPMENT: On or about January 17 and February 11, 14, and 24, 1947, by the Mt. Airy Milling Co., from Mt. Airy, Md.

PRODUCT: 1,978 100-pound bags of flour at Horseheads, N. Y.

LABEL, IN PART: "Soft Wheat Flour Enriched."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 30, 1947. The Mt. Airy Milling Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as animal feed.

12220. Adulteration of flour. U. S. v. 1,000 Bags * * * (and 2 other seizure actions). (F. D. C. Nos. 23514, 23521, 23625. Sample Nos. 87578–H, 87616–H to 87618–H, incl., 87723–H.)

LIBELS FILED: July 22 and 25 and August 7, 1947, District of New Jersey, Eastern District of New York, and District of Connecticut.

ALLEGED SHIPMENT: On or about June 18, 19, and 21, 1947, by the Minot Flour Mill Co., Inc., from Minot, N. Dak.

PRODUCT: Flour, 1,000 bags at Passaic N. J., 600 bags at Long Island City, N. Y., and 113 bags at New Haven, Conn., each bag containing 100 pounds.

LABEL, IN PART: "White Cross Patent Flour," "Walker's Spring Wheat Locomotive Patent Flour," and "Snow White [or "So-Big" or "Wizard Extra High Protein"] Patent Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, rodent hair fragments, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 9 and 18 and October 23, 1947. The Minot Flour Mill Co., Inc, claimant, having consented to the entry of a decree, judgments of condemnation were entered and the product was ordered released under bond for conversion into adhesive, under the supervision of the Food and Drug Administration.

12221. Adulteration of flour. U. S. v. 406 Bags * * * (and 1 other seizure action). (F. D. C. Nos. 23034, 23054. Sample Nos. 75229–H, 75233–H.)

LIBELS FILED: May 16 and 20, 1947, Northern District of California.

ALLEGED SHIPMENT: On or about April 3 and 9, 1947, by Capital Flour Mills, from Minneapolis and St. Paul, Minn.

PRODUCT: 466 100-pound bags of flour at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine.

DISPOSITION: May 27, 1947. The cases having been consolidated and the Roma Macaroni Factory, San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the contaminated flour be converted into stock or animal feed, under the supervision of the Food and Drug Administration.

12222. Adulteration of doughnut flour. U. S. v. 16 Bags * * *. (F. D. C. No. 23522. Sample No. 66396–H.)

LIBEL FILED: July 24, 1947, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 18, 1947, from Baltimore, Md., by H. M. Wagner and Co., Inc.

PRODUCT: 16 100-pound bags of doughnut flour at Philadelphia, Pa.

LABEL, IN PART: (Bags) "H. M. Wagner's Doughnut Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 13, 1947. Default decree of condemnation and destruction.

12223. Adulteration and misbranding of enriched flour. U. S. v. 2,630 Bags * * *. (F. D. C. No. 22806. Sample No. 68137–H.)

LIBEL FILED: On or about April 8, 1947, Western District of Missouri.

ALLEGED SHIPMENT: On or about February 13 and 25 and March 1, 1947, by Barton County Flour Mills, from Great Bend, Kans.

PRODUCT: 2,630 5-pound bags of enriched flour at Kansas City, Mo.

LABEL, IN PART: "Enriched Kitchen Craft Finest Grade Enriched Bleached Flour."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, thiamine and iron, had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article purported to be and was represented as enriched flour, and it failed to conform to the definition and standard for such flour since it contained less than 2.0 milligrams of thiamine and less than 13.0 milligrams of iron per pound.

DISPOSITION: May 1, 1947. Barton County Flour Mills, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration.

MACARONI AND NOODLE PRODUCTS

12224. Adulteration of macaroni products. U. S. v. 40 Cartons * * *. (F. D. C. No. 23484. Sample No. 87572–H.)

LIBEL FILED: July 8, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about June 10, 1947, by B. Filippone & Co., from Passaic, N. J.

PRODUCT: 40 cartons, each containing 30 1-pound packages, of macaroni products at New York, N. Y.

LABEL, IN PART: "'La Perla' Macaroni Products."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 14, 1947. Default decree of condemnation and destruction.

12225. Adulteration of noodle products. U. S. v. 556 Cartons * * * (and 3 other seizure actions against noodle products). (F. D. C. Nos. 23095, 23168, 23195, 23370. Sample Nos. 39255–H to 39260–H, incl., 39263–H, 39264–H, 39598–H, 39599–H, 87605–H, 87636–H to 87638–H, incl.)

LIBELS FILED: June 5 and 17 and July 3 and 22, 1947, District of New Jersey, District of Connecticut, Northern District of Illinois, and Eastern District of Wisconsin.

ALLEGED SHIPMENT: Between the approximate dates of May 15 and 19, 1947, by A. Streit, Inc., from New York, N. Y.

PRODUCT: Noodle products. 556 12-pound cartons at Chicago, Ill.: 9 12-pound cartons, 12 10-pound cartons, and 230 8-pound cartons at Jersey City, N. J.; 25 cases, each containing 12 1-pound cartons, and 10 cases, each containing 24 8-ounce cartons, at New Haven, Conn.; and 34 cases, each containing 12 1-pound cartons, at Milwaukee, Wis.

LABEL, IN PART: "Streit's DeLuxe * * * Egg Noodles [or "Egg Barley"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent-hair fragments; and (3 lots), Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 4, 12, and 21, and October 17, 1947. Default decrees of condemnation. One lot was ordered delivered to a Federal institution for use as hog feed, and the remaining lots were ordered destroyed.

12226. Adulteration of noodles and alimentary paste. U. S. v. 3 Cases * * *. (F. D. C. No. 23090. Sample Nos. 82646–H to 82649–H, incl.)

LIBEL FILED: June 29, 1947, Western District of Washington.

ALLEGED SHIPMENT: On or about May 23, 1947, by Denver Noodle Factory, from Denver, Colo.

PRODUCT: 3 25-pound cases, 3 12½-pound cases, 2 30-pound cases, and 3 15-pound cases of noodles and alimentary paste, at Seattle, Wash.

LABEL, IN PART: "Alimentary Paste Chop Suey Noodle" and "Oriental Alimentary Paste."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent hairs; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: October 31, 1947. Default decree of condemnation and destruction.

12227. Adulteration of spaghettini. U. S. v. 100 Cases * * *. (F. D. C. No. 23075. Sample No. 75729–H.)

LIBEL FILED: June 18, 1947, District of Hawaii.

ALLEGED SHIPMENT: On or about May 13, 1947, by Juillard Fancy Foods, from San Francisco, Calif.

PRODUCT: 100 cases, each containing 20 pounds, of spaghettini at Honolulu, T. H.

LABEL, IN PART: "Semolina Spaghettini Twenty (20) Pounds Net Royal Brand California Manufacturing Company, San Francisco, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the article had been prepared and packaged under insanitary conditions whereby it had become contaminated with filth. (Samples were found to contain insect filth.)

DISPOSITION: August 1, 1947. Default decree of condemnation and destruction.

12228. Adulteration of spaghetti. U. S. v. 49 Cases * * *. (F. D. C. No. 23079. Sample No. 75335–H.)

LIBEL FILED: June 18, 1947, District of Hawaii.

ALLEGED SHIPMENT: On or about April 17, 1947, by Theo H. Davies and Co., Ltd., from San Francisco, Calif.

PRODUCT: 49 cases, each containing 24 8-ounce packages, of spaghetti at Hilo, T. H.

LABEL, IN PART: "Royal Semolina Spaghetti."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the article had been prepared and packaged under insanitary conditions whereby it had become contaminated with filth. (Samples examined were found to contain insect fragments.)

DISPOSITION: August 1, 1947. Default decree of condemnation and destruction.

12229. Misbranding of spaghetti. U. S. v. 7 Cases * * *. (F. D. C. No. 22773. Sample No. 60977–H.)

LIBEL FILED: March 26, 1947, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 28, 1947, by the Cumberland Macaroni Manufacturing Co., from Cumberland, Md.

PRODUCT: 7 cases, each containing 20 1-pound packages, of spaghetti at Johnstown, Pa.

LABEL, IN PART: "Cumberland's Alpine Eagle Brand Spaghetti."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container of the article was so filled as to be misleading, since the spaghetti occupied only about 67 percent of the volume of the package.

DISPOSITION: April 30, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS CEREAL PRODUCTS

12230. Adulteration of brewers grits and brewers flakes. U. S. v. 259 Bags, etc. (and 1 other seizure action). (F. D. C. Nos. 23172, 23179. Sample Nos. 66219–H, 66220–H, 65999–H.)

LIBELS FILED: June 4 and 6, 1947, District of Delaware and Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 23 and May 1, 1947, by Patent Cereals Co., from Geneva, N. Y.

PRODUCT: 259 100-pound bags of brewers grits and 112 80-pound bags of brewers flakes at Wilmington, Del.; 53,900 pounds of brewers grits at Reading, Pa.

LABEL, IN PART: (Portion) "Geneva Grits [or "Flakes"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.

DISPOSITION: June 6 and July 8, 1947. The Patent Cereals Co., claimant for the Reading lot and the consignee for the Wilmington lot, having consented to the entry of decrees, judgments of condemnation were entered. The Reading lot was ordered released to the claimant to be denatured and sold for animal feed, and the Wilmington lot was ordered delivered to a public institution to be disposed of for the same purpose.

12231. Adulteration of popcorn. U. S. v. 863 Bags * * *. (F. D. C. No. 22775. Sample Nos. 39176–H to 39184–H, incl.)

LIBEL FILED: March 28, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: Between the approximate dates of August 1 and September 3, 1946, by E. F. Schroer, from St. Marys, Ohio.

PRODUCT: 863 100-pound bags of popcorn at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of rodent excreta and rodent-gnawed, moldy, and decomposed popcorn kernels.

DISPOSITION: April 17, 1947. Allen L. Book, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed, under the supervision of the Food and Drug Administration.

12232. Adulteration of wild rice. U. S. v. 24 Bags * * *. (F. D. C. No. 23042. Sample No. 71327.)

LIBEL FILED: May 20, 1947, Southern District of California.

ALLEGED SHIPMENT: On or about May 1 and 6 and December 5 and 10, 1946, by George Kananen, from Grand Rapids, Minn.

PRODUCT: 24 80-pound bags of wild rice at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food because it contained sand.

DISPOSITION: June 25, 1947. Default decree of condemnation. Product ordered delivered to the Department of Natural Resources of the State of California for use in feeding birds.

CONFECTIONERY AND SIRUP

12233. Adulteration of candy bars. U. S. v. Trudeau Candies, Inc, Oscar G. Trudeau, and Philip L. Pfeilsticker. Pleas of guilty. Imposition of sentence suspended against the corporation. Fines, defendant Trudeau, $300, and defendant Pfeilsticker, $150. (F. D. C. No. 23287. Sample Nos. 38556–H, 69887–H, 69888–H.)

INFORMATION FILED: August 1, 1947, District of Minnesota, against Trudeau Candies, Inc., a corporation, St. Paul, Minn., and Oscar G. Trudeau and Philip L. Pfeilsticker, president and secretary, respectively, of the corporation.

ALLEGED SHIPMENT: On or about February 7 and 8, 1947, from the State of Minnesota into the States of Illinois and Michigan.

LABEL, IN PART: "Trudeau's Seven Up Candy Bar."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 16, 1947. Pleas of guilty having been entered on behalf of the defendants, imposition of sentence was suspended against the corporation and the defendant Trudeau was fined $200 and the defendant Pfeilsticker was fined $150.

12234. Adulteration of candy bars. U. S. v. Henry E. Kelly and Simon B. Farrar (Dixie Candy Co.). Pleas of guilty. Fine, $250 each. (F. D. C. No. 23286. Sample Nos. 40490–H, 40491–H, 68209–H.)

INFORMATION FILED: September 16, 1947, Northern District of Texas, against Henry E. Kelly and Simon B. Farrar, partners in the firm Dixie Candy Co.

ALLEGED SHIPMENT: On or about February 3 and 7, 1947, from the State of Texas into the State of Missouri.

LABEL, IN PART: "Dixie Brittle."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments, insect pupae, larvae, larva parts, and insect fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 17, 1947. Pleas of guilty having been entered, each defendant was fined $250.

12235. Adulteration of candy. U. S. v. Mary Lincoln Candies, Inc. Plea of guilty. Fine, $1,000 on 2 counts, third count suspended. (F. D. C. No. 23301. Sample Nos. 60583–H, 61244–H, 61330–H.)

INFORMATION FILED: July 24, 1947, Western District of New York, against Mary Lincoln Candies, Inc., Buffalo, N. Y.

ALLEGED SHIPMENT: On or about March 11, 1947, from the State of New York into the States of Pennsylvania and Ohio.

LABEL, IN PART: "Mary Lincoln Candies."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 22, 1947. A plea of guilty was entered on behalf of the defendant and a fine of $500 was imposed on each of counts 1, 2, and 3, the fine on count 3 being suspended.

12236. Adulteration of candy. U. S. v. 68 Tins * * * (and 6 other seizure actions). (F. D. C. Nos. 22800 to 22805, incl., 22814. Sample Nos. 60583–H, 60585–H, 60586–H, 61244–H, 61245–H, 61330–H, 61332–H.)

LIBELS FILED: April 2 and 3, 1947, Western District of Pennsylvania and Northern and Southern Districts of Ohio.

ALLEGED SHIPMENT: On or about March 11 and 12, 1947, by Mary Lincoln Candies, Inc., from Buffalo, N. Y.

PRODUCT: 68 tins of candy at Erie, 58 tins at Butler, and 20 tins at Pittsburgh, Pa.; and 20 tins at Wellsville, 84 tins at Conneaut, and 37 tins at Steubenville, Ohio. Each tin contained 2 pounds of the product.

LABEL, IN PART: "Mary Lincoln Candies, Fruits, Nuts, Creams, Hard and Chewys," or "Assorted Milk and Dark Chocolate * * * Mary Lincoln Candies."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect parts; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 21 and 23 and May 6, 1947. Default decrees of condemnation and destruction.

12237. Adulteration of candy. U. S. v. 59 Boxes, etc. (F. D. C. Nos. 23542 to 23544, incl. Sample Nos. 99941–H, 99942–H, 99944–H.)

LIBEL FILED: August 4, 1947, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 6 to 16, 1947, by M. Cohen & Co., from Bridgeton, N. J.

PRODUCT: 59 boxes and 22 boxes, each containing 120 pieces, and 4 boxes, each containing 12 pounds, of candy at Philadelphia, Pa.

LABEL, IN PART: "Ice Squares," "M. C. Peanut Chew," "M. C. Fluffs," and "Frozen Milk Carmels."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 29, 1947. Default decree of condemnation and destruction.

12238. Adulteration and misbranding of candy. U. S. v. 4 Cartons, etc. (and 1 other seizure action). (F. D. C. Nos. 23109, 23173. Sample Nos. 85119–H to 85121–H, incl., 85125–H, 85127–H, 85129–H, 85130–H, 91344–H.)

LIBELS FILED: May 9 and June 6, 1947, Eastern District of New York and Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 18 and April 25, 1947, by Asco Packing Company, from Newark, N. J.

PRODUCT: 4 45-pound cartons, 1 50-pound carton, 1 100-pound carton, and 1 250-pound barrel of candy, at Brooklyn, N. Y.; and 19 5-ounce bags of candy

cakes, 19 6-ounce bags of licorice, 19 6-ounce bags of anise dogs, 19 3½-ounce bags of after dinner mints, 19 4-ounce bags of chocolate chews, 21 4-ounce bags of lollipops, and 64 3-ounce bags of caramels, at Irwin, Pa.

LABEL, IN PART: (Portion) "Boston Baked Beans," or "Asco Candy Cakes [or "Licorice," "Anise Dogs," "After Dinner Mints," "Chocolate Chews," "Lolly-Pops," or "Fresh Pack Caramels"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent-hair fragments and insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

Misbranding, Section 403 (e) (2), some of the articles failed to bear a label containing an accurate statement of the quantity of contents, since the label statements, "Weight Six Ounces Net" (licorice and anise dogs), "Weight 3½ Ounces Net" (after dinner mints), "Weight Four Ounces Net" (chocolate chews and lollipops), and "Weight Three Ounces Net" [caramels), were inaccurate. (The articles were short-weight.)

DISPOSITION: June 17 and July 17, 1947. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

12239. Adulteration and misbranding of candy bars. U. S. v. 79 Boxes * * *. (F. D. C. No. 22788. Sample No. 55215–H.)

LIBEL FILED: March 27, 1947, Districtof Alabama.

ALLEGED SHIPMENT: On or about October 29, 1946, by the G. T. Edwards Candy Co., from Atlanta, Ga.

PRODUCT: 79 boxes each containing 36 candy bars, at Dothan, Ala.

LABEL, IN PART: (Boxes) "Pecan Bar Cocoanut 36 Count."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, coconut, had been in whole or in part omitted from the article; Section 402 (b) (3), inferiority had been concealed by the use of corn flakes; and, Section 402 (b) (4), a substance, corn flakes, had been mixed with the article so as to make it appear better and of greater value than it was, since corn flakes had the appearance of coconut in the product in which coconut was an expected ingredient.

Misbranding, Section 403 (a), the designation on the boxes, "Pecan Bar Cocoanut," was misleading, since the article contained little, if any, coconut or pecans; and, Section 403 (i) (2), the article was fabricated from 2 or more ingredients and its label failed to bear the common or usual name of each of its ingredients, since "maize" is not the common or usual name for corn flakes.

DISPOSITION: April 30, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

12240. Adulteration and misbranding of candy bars. U. S. v. 35 Cases * * *. (F. D. C. No. 22858. Sample No. 73509–H.)

LIBEL FILED: April 22, 1947, Northern District of Ohio.

ALLEGED SHIPMENT: On or about July 1, 1946, by Snooks, Inc., from Brooklyn, N. Y., to Galion Bottling Works, Galion, Ohio. On November 23, 1946, the consignee returned the product to the shipper, who refused to receive the shipment. It was therefore returned to Cleveland, Ohio, on or about March 5, 1947.

PRODUCT: 35 cases containing odd-size boxes of candy bars at Cleveland, Ohio. The product was a chocolate-covered candy bar containing peanuts and pieces of soybeans. It contained little or no sweetening ingredients and did not have a sweet taste. It was also short-weight.

LABEL, IN PART: "Snooks [or "Savvy"] Net Wt. 1¼ oz. * * * Mfd. by Rex Confections Co. [or "Inc."] Brooklyn, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, sweetening ingredients, which are normal and expected in candy, had been in whole or in part omitted from the article.

Misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of contents. The label statement "Net Wt. 1¼ Oz." was inaccurate.

DISPOSITION: July 3, 1947. Default decree of condemnation and destruction.

12241. Misbranding of candy bars. U. S. v. 95 Cartons * * *. (F. D. C. No. 22927. Sample No. 91161–H.)

LIBEL FILED: April 14, 1947, District of New Jersey.

ALLEGED SHIPMENT: 20 cartons on March 11, 1947, by the Atlantic Stores, Inc., from Boston, Mass.; and 75 cartons on January 31 and March 13, 1947, by Paul F. Beich Company, from New York, N. Y.

PRODUCT: 95 cartons, each containing 12 24-bar boxes, of candy bars at Newark, N. J.

LABEL, IN PART: "Beich * * * Epicure Chocolate and Pecans * * * 1 Mg. Vitamin B_1 (Thiamin Hydrochloride)."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Chocolate and Pecans" was false and misleading as applied to a product which did not consist of chocolate and pecans (the article was a chocolate-coated marshmallow bar with pecan pieces embedded in the coating); and, Section 403 (j), the article purported to be a food for special dietary uses by reason of the vitamin B_1 content, and the label failed to bear a statement of the proportion of the minimum daily requirement of vitamin B_1 supplied by the article when consumed in a specified quantity during a period of 1 day.

DISPOSITION: June 17, 1947. Paul F. Beich Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be repacked and relabeled so as to comply with the law, under the supervision of the Food and Drug Administration.

12242. Misbranding of candy bars. U. S. v. 270 Cases * * *. (F. D. C. No. 22960. Sample No. 65982–H.)

LIBEL FILED: April 23, 1947, District of Maryland.

ALLEGED SHIPMENT: On or about April 10, 1947, by Luden's, Inc., from Reading, Pa.

PRODUCT: 270 cases, each containing 16 24-bar boxes, of candy bars at Baltimore, Md.

LABEL, IN PART: The statement "Fifth Avenue Milk Chocolate and Almonds" was printed in large type on the top of the wrapper, and the statement of ingredients, "Milk Chocolate, Almonds, Peanuts, Sugar, Corn Syrup, Salt, Molasses," was printed inconspicuously in small type on the side of the wrapper.

NATURE OF CHARGE: Misbranding, Section 403 (a), the prominent label statement "Milk Chocolate and Almonds" was misleading as applied to a candy bar with a peanut butter-molasses brittle center coated with milk chocolate and containing 2 almonds; and, Section 403 (d), the container was so made and filled as to be misleading since the manner of wrapping gave the impression that the candy bar was much larger than was actually the case, and there was an excessive amount of unfilled space in the wrapper.

DISPOSITION: June 28, 1947. Default decree of condemnation; product ordered delivered to charitable institutions.

12243. Misbranding of candy. U. S. v. 45 Cases * * *. (F. D. C. No. 23515. Sample No. 87575–H.)

LIBEL FILED: On or about July 28, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about February 7, 1947, by Luden's, Inc., Reading, Pa.

PRODUCT: 45 cases, each containing 24 boxes, of candy at New York, N. Y.

LABEL, IN PART: "Bristol Super Mints Made by Brandle & Smith Division Luden's Inc. Reading, Pa. * * * Net Weight 1⅜ Oz."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container was so filled as to be misleading (the boxes contained from 14 to 16 pieces of candy; 20 pieces could easily be placed in the boxes); and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents (the boxes contained less than the declared weight).

DISPOSITION: August 28, 1947. Default decree of condemnation; product ordered delivered to a charitable organization.

12244. Adulteration of sirup. U. S. v. Waverly Sugar Company. Plea of guilty. Fine, $200 and costs. (F. D. C. No. 23250. Sample No. 54102–H.)

INFORMATION FILED: December 10, 1947, Northern District of Iowa, against Waverly Sugar Company, a corporation, Waverly, Iowa.

ALLEGED SHIPMENT: On or about November 22, 1946, from the State of Iowa into the State of Indiana.

LABEL, IN PART: "Wascose Gold Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its phenol-like odor and taste.

DISPOSITION: December 10, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $200 and costs.

12245. Adulteration and misbranding of sirup. U. S. v. 128 Cases * * *. (F. D. C. No. 23036. Sample Nos. 77611–H, 77619–H.)

LIBEL FILED: May 15, 1947, Western District of Washington.

ALLEGED SHIPMENT: On or about March 21 and 28, 1947, by Albert's Products Co., Inc., from Portland, Oreg.

PRODUCT: 54 cases, each containing 12 quart bottles, and 74 cases, each containing 24 12-ounce bottles, of cane and maple sirup, at Tacoma, Wash.

LABEL, IN PART: "Albert's Supreme Morning Dew Brand Cane & Maple Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an artificially flavored and colored sugar sirup containing glucose and less than 65 percent soluble solids had been substituted in whole or in part for cane and maple sirup.

Misbranding, Section 403 (a), the label statement "Cane & Maple Syrup" was false and misleading.

DISPOSITION: June 17, 1947. Albert's Products Co., Inc., Portland, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency.

12246. Adulteration and misbranding of pancake sirup. U. S. v. 31 Cases * * *. (F. D. C. No. 22963. Sample No. 90624–H.)

LIBEL FILED: April 28, 1947, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about March 12, 1947, by Big Maple Food Products, from Brooklyn, N. Y.

PRODUCT: 31 cases, each containing 24 pint bottles, of pancake sirup at Norfolk, Va.

LABEL, IN PART: "Contents 1 Pint Big Maple Brand Pancake Syrup Cane Sugar Syrup, Pure Maple Flavor."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a sirup with a flavor similar to dilute molasses had been substituted for cane sugar sirup, pure maple flavor.

Misbranding, Section 403 (a), the label statement "Big Maple Pancake Syrup Cane Sugar Syrup Pure Maple Flavor" and the design of maple trees were false and misleading; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of contents (the bottles contained less than 1 pint).

DISPOSITION: August 14, 1947. Default decree of condemnation; product ordered delivered to a charitable institution.

DAIRY PRODUCTS

BUTTER

Nos. 12247 to 12278 report actions involving butter that was below the standard for milk-fat content; the butter reported in **Nos. 12278 and 12279** was short of the declared weight.

12247. Adulteration of butter. U. S. v. Kingston Cooperative Dairy Association. Plea of guilty. Fine, $50. (F. D. C. No. 23283. Sample No. 73377–H.)

INFORMATION FILED: July 31, 1947, District of Minnesota, against the Kingston Cooperative Dairy Association, a corporation, Kingston, Minn.

ALLEGED SHIPMENT: On or about January 23, 1947, from the State of Minnesota into the State of Massachusetts.

LABEL, IN PART: "Bulk Butter First National Stores Somerville, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 9, 1947. A plea of guilty having been entered, the court imposed a fine of $50.

12248. Adulteration of butter. U. S. v. Royal Dairy. Plea of guilty. Fine, $100 and costs. (F. D. C. No. 23305. Sample Nos. 77423–H, 91309–H.)

INFORMATION FILED: September 9, 1947, Northern District of Iowa, against the Royal Dairy, a partnership, Tama, Iowa.

ALLEGED SHIPMENT: On or about March 12, 1947, from the State of Iowa into the State of New York.

LABEL, IN PART: "Creamery Butter Distributed by J. J. Hodupp & Co. 5168 New York."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: September 9, 1947. A plea of guilty having been entered, a fine of $100 and costs was imposed.

12249. Adulteration of butter. U. S. v. 12 Cartons * * * (total, 768 pounds). (F. D. C. No. 22892. Sample No. 19693–H.)

LIBEL FILED: February 27, 1947, Northern District of Iowa.

ALLEGED SHIPMENT: On or about February 21, 1947, by West Point Creamery Co., from West Point, Nebr.

PRODUCT: 12 64-pound cartons of butter at Sioux City, Iowa.

LABEL, IN PART: "Creamery Butter The Peter Fox Sons Co. Distributors Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, of butter, milk fat, had been in part omitted from it; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: March 4, 1947. Figge Creamery, Inc., Sioux City, Iowa, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked and brought into compliance with the law, under the supervision of the Food and Drug Administration.

12250. Adulteration of butter. U. S. v. 43 Cartons * * * (total, 3,096 pounds). (F. D. C. No. 23167. Sample No. 38062–H.)

LIBEL FILED: On or about May 19, 1947, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about April 29, 1947, by the Peter Fox Sons Co., Chicago, Ill., from the Sunshine Mercantile Co., of Denver, Colo.

PRODUCT: 43 72-pound cartons of butter at Danville, Ill.

LABEL, IN PART: "Butter * * * Manufactured by Farmers Equity Co-op. Cry. Assn. Denver, Colo."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 7, 1947. Sugar Creek Creamery Co., Danville, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking, under the supervision of the Food and Drug Administration.

12251. Adulteration of butter. U. S. v. 56 Cartons * * * (total, 4,032 pounds). (F. D. C. No. 23165. Sample No. 15537–H.)

LIBEL FILED: On or about May 8, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 16, 1947, by the Sunshine Mercantile Co., from Denver, Colo.

PRODUCT: 56 72-pound cartons of butter at Chicago, Ill.

LABEL, IN PART: "Butter * * * Manufactured by Farmers Equity Co-op. Cry. Assn. Denver, Colo."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 10, 1947. The Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the facts set forth in the libel, judgment of condemnation was entered and the product was ordered released under bond for rechurning, under the supervision of the Federal Security Agency.

12252. Adulteration of butter. U. S. v. 11 Cartons * * * (total, 748 pounds). (F. D. C. No. 23164. Sample No. 76868–H.)

LIBEL FILED: May 13, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about May 1, 1947, by the Strandquist Creamery, from Strandquist, Minn. This product was in a pool car shipped by the Northwest Dairy Forwarding Company, Carlton, Minn.

PRODUCT: 11 68-pound cartons of butter at New York, N. Y.

LABEL, IN PART: "Butter Distributed by Hunter, Walton & Co., New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: May 28, 1947. The Strandquist Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked, under the supervision of the Food and Drug Administration.

12253. Adulteration of butter. U. S. v. 15 Cartons * * * (total, 900 pounds). (F. D. C. No. 23478. Sample No. 86977–H.)

LIBEL FILED: June 13, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about May 30, 1947, by Star Creamery Co., from Henderson, Minn.

PRODUCT: 15 60-pound cartons of butter at New York, N. Y.

LABEL, IN PART: "Butter Distributed by Hunter Walton & Co. New York."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 26, 1947. The Star Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, for reworking, under the supervision of the Food and Drug Administration.

12254. Adulteration of butter. U. S. v. 5 Cartons * * * (total, 300 pounds). (F. D. C. No. 23477. Sample No. 77585–H.)

LIBEL FILED: June 18, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about June 7, 1947, by Shell Rock Creamery of Shell Rock, Iowa, from Dubuque, Iowa.

PRODUCT: 5 60-pound cartons of butter at New York, N. Y.

LABEL, IN PART: "Creamery Butter Distributed by Fitch Cornell & Co. New York."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 30, 1947. Fitch Cornell & Co. Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked in order to comply with the law, under the supervision of the Food and Drug Administration.

12255. Adulteration of butter. U. S. v. 107 Cartons * * * (total, approximately 6,634 pounds). (F. D. C. No. 23533. Sample No. 91382–H.)

LIBEL FILED: June 18, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about June 2, 1947, by Lytton Cooperative Creamery, from Lytton, Iowa.

PRODUCT: 107 cartons, each containing approximately 62 pounds, of butter at New York, N. Y.

LABEL, IN PART: "Creamery Butter Distributed by Fitch, Cornell & Co. 4935 New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 30, 1947. Fitch, Cornell & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked, under the supervision of the Food and Drug Administration.

12256. Adulteration of butter. U. S. v. 12 Cartons * * * (total, 780 pounds). (F. D. C. No. 23480. Sample No. 76924–H.)

LIBEL FILED: June 19, 1947, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 11, 1947, by the St. Francis Creamery Quality Dairy Company, from St. Francis, Minn.

PRODUCT: 12 65-pound cartons of butter at Philadelphia, Pa.

LABEL, IN PART: "Butter Distributed by C. W. Dunnett & Co., Phila."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: July 10, 1947. C. W. Dunnett & Company, Philadelphia, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked, under the supervision of the Federal Security Agency.

12257. Adulteration of butter. U. S. v. 29 Cartons * * * (total, 1,450 pounds). (F. D. C. No. 23531. Sample No. 39274–H.)

LIBEL FILED: On or about July 9, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 10, 1947, by Conger Cooperative Creamery, from Conger, Minn.

PRODUCT: 29 50-pound cartons of butter at Chicago, Ill.

LABEL, IN PART: "Fairmont Sweet Cream Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: July 22, 1947. Fairmont Foods Co., Chicago, Ill., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be reworked, under the supervision of the Food and Drug Administration.

12258. Adulteration of butter. U. S. v. 28 Cartons * * * (total, 1,400 pounds). (F. D. C. No. 23529. Sample No. 99902–H.)

LIBEL FILED: July 23, 1947, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 14, 1947, by the American Stores Produce Company, from Clarissa, Minn.

PRODUCT: 28 50-pound cartons of butter at Philadelphia, Pa.

LABEL, IN PART: "Louella * * * Sweet Cream Butter—4 Quarters 1 Lb. Net Distributed by American Stores Co., Philadelphia, Pa."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: August 4, 1947. The American Stores Produce Company, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reworking, under the supervision of the Federal Security Agency.

12259. Adulteration of butter. U. S. v. 55 Cartons * * * (total, 3,630 pounds). (F. D. C. No. 23530. Sample No. 76951–H.)

LIBEL FILED: July 15, 1947, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: July 10, 1947, by the Raymond Coop. Creamery, from Raymond, Minn.

PRODUCT: 55 66-pound cartons of butter at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: August 21, 1947. John S. Morris & Son, Philadelphia, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the butter that was deficient in milk fat be brought into compliance with the law, under the supervision of the Food and Drug Administration.

12260. Adulteration of butter. U. S. v. 2 Cartons * * * (total, 128 pounds). (F. D. C. No. 23534. Sample No. 39272–H.)

LIBEL FILED: June 25, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 5, 1947, by White Lily Farmers Cooperative Creamery, from Guttenberg, Iowa.

PRODUCT: 2 64-pound cartons of butter at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: July 16, 1947. Dittmann & Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be brought into compliance with the law by dehydrating, under the supervision of the Food and Drug Administration.

12261. Adulteration of butter. U. S. v. 9 Cartons * * * (total, 576 pounds), (F. D. C. No. 23535. Sample No. 76922–H.)

LIBEL FILED: June 25, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 11, 1947, by H. C. Christians Co., from Wadena, Minn.

PRODUCT: 9 64-pound cartons of butter at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 27, 1947. H. C. Christians Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be reworked, under the supervision of the Food and Drug Administration.

12262. Adulteration of butter. U. S. v. 15 Cartons * * * (total, 900 pounds). (F. D. C. No. 22976. Sample No. 76844–H.)

LIBEL FILED: March 24, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about March 13, 1947, by Nicollet, Brown, Sibley Counties Creamery Association, Inc., Gibbon, Minn., from Chaska, Minn.

PRODUCT: 15 60-pound cartons of butter at Jersey City, N. J.

LABEL, IN PART: "The Great A&P Tea Company New York Distributors Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: April 28, 1947. The shipper having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked, under the supervision of the Federal Security Agency.

12263. Adulteration of butter. U. S. v. 25 Boxes * * * (and 1 other seizure action; total, 7,020 pounds). (F. D. C. Nos. 22881, 22882. Sample Nos. 73498–H, 77012–H.)

LIBELS FILED: February 27 and 28, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about February 12, 1947, by Nicollet-Brown-Sibley Counties Creamery Association, Inc., from Carver, Minn.

PRODUCT: 117 60-pound boxes of butter at Jersey City, N. J.

LABEL, IN PART: "Creamery Butter The Great A & P Tea Co New York Distributors."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: March 31, 1947. The Great Atlantic & Pacific Tea Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be reworked, under the supervision of the Federal Security Agency.

12264. Adulteration of butter. U. S. v. 107 Boxes * * * (total, 6,420 pounds). (F. D. C. No. 22762. Sample No. 77218–H.)

LIBEL FILED: On or about March 20, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about February 28, 1947, the Claremont Creamery Association delivered the product for shipment from Owatonna, Minn.

PRODUCT: 107 60-pound boxes of butter at Jersey City, N. J.

LABEL, IN PART: "Creamery Butter The Great A. & P. Tea Co. New York Distributors."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: April 14, 1947. The Great Atlantic & Pacific Tea Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked, under the supervision of the Federal Security Agency.

12265. Adulteration of butter. U. S. v. 13 Cartons, etc. (total, 442 pounds). (F. D. C. No. 22975. Sample No. 91309–H.)

LIBEL FILED: March 31, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about March 13, 1947, by Royal Dairy, Tama, Iowa.

PRODUCT: 13 32-pound cartons and 1 26-pound carton at New York, N. Y.

LABEL, IN PART: "Rushbrook Brand Creamery Butter Packed for Rushbrook Farm Products Co., New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: April 24, 1947. Baum & Moncharsh, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked in compliance with the law, under the supervision of the Federal Security Agency.

12266. Adulteration of butter. U. S. v. 7 Cartons * * * (total, 448 pounds). (F. D. C. No. 22759. Sample No. 77415–H.)

LIBEL FILED: March 25, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about March 12, 1947, by Minerva Valley Creamery, from Clemons, Iowa.

PRODUCT: 7 64-pound cartons of butter at New York, N. Y.

LABEL, IN PART: "Butter Distributed By Watts & Sons 1220 New York."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: April 7, 1947. Watts & Sons, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked, under the supervision of the Food and Drug Administration.

12267. Adulteration of butter. U. S. v. 16 Cartons * * * (and 1 other seizure action; total, 6,064 pounds). (F. D. C. Nos. 22760, 22893. Sample Nos. 77055–H, 77515–H.)

LIBELS FILED: February 27 and March 21, 1947, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about March 14 and February 18 and 21, 1947, by Lanark Creamery Co., from Lanark, Ill.

PRODUCT: 16 64-pound cartons and 80 63-pound cartons of butter at Monroe, Wis.

LABEL, IN PART: (Portion) "Butter * * * The Cottage Creamery Co. Cleveland, Ohio."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: March 10 and April 2, 1947. Lanark Creamery (Lanark Creamery Company), claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency.

12268. Adulteration of butter. U. S. v. 8 Boxes * * * (total, 512 pounds). (F. D. C. No. 22764. Sample No. 77411–H.)

LIBEL FILED: March 13, 1947, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about March 10, 1947, by Altura Cooperative Creamery Association, from Altura, Minn.

PRODUCT: 8 64-pound boxes of butter at La Crosse, Wis.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted in whole or in part for butter.

DISPOSITION: April 2, 1947. Altura Cooperative Creamery Association, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be reworked, under the supervision of the Federal Security Agency.

12269. Adulteration of butter. U. S. v. 12 Cartons * * * (total, 768 pounds). (F. D. C. No. 22763. Sample No. 77413–H.)

LIBEL FILED: March 13, 1947, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about March 8, 1947, by Mabel Creamery Association, from Mabel, Minn.

PRODUCT: 12 64-pound cartons of butter at La Crosse, Wis.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted in whole or in part for butter.

DISPOSITION: April 2, 1947. Mabel Creamery Association, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Federal Security Agency.

12270. Adulteration of butter. U. S. v. 33 Cartons * * * (total, 1,980 pounds). (F. D. C. No. 22761. Sample No. 52293–H.)

LIBEL FILED: March 17, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about March 1, 1947, by Chippewa County Cooperative Dairy, from Bloomer, Wis.

PRODUCT: 33 60-pound cartons of butter at Jersey City, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: April 14, 1947. The Chippewa County Cooperative Dairy, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked, under the supervision of the Federal Security Agency.

12271. Adulteration of butter. U. S. v. 2 Cases * * * (total, 100 pounds). (F. D. C. No. 23528. Sample No. 66270–H.)

LIBEL FILED: On or about July 17, 1947, District of Delaware.

ALLEGED SHIPMENT: On or about July 14, 1947, by New Jersey Butter Co., from Camden, N. J.

PRODUCT: 2 50-pound cases of butter, at Wilmington, Del.

LABEL, IN PART: "Jersey Roll Whipped Cream Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: August 6, 1947. Default decree ordering product delivered to the Delaware State Hospital.

12272. Adulteration of butter. U. S. v. 10 Cases * * * (total, 630 pounds). (F. D. C. No. 22876. Sample No. 54051–H.)

LIBEL FILED: February 26, 1947, Northern District of Ohio.

ALLEGED SHIPMENT: On or about August 8, 1946, by King City Creamery, King City, Mo.

PRODUCT: 10 63-pound cases of butter at Toledo, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: May 6, 1947. Driggs Dairy Farms, Inc., Toledo, Ohio, claimant, having admitted the allegation of the libel, judgment of condemnation was entered and the product was ordered released under bond, to be used in the manufacture of ice cream mix, under the supervision of the Food and Drug Administration.

12273. Adulteration of butter. U. S. v. 30 Boxes * * * (total, 1,920 pounds). (F. D. C. No. 22877. Sample No. 52276–H.)

LIBEL FILED: February 26, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about February 11, 1947, by Midwest Dairy Despatch, from Minneapolis, Minn.

PRODUCT: 30 64-pound boxes of butter at New York, N. Y.

LABEL, IN PART: "Creamery Butter J. J. Mullins & Co. 724 New York."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: March 20, 1947. J. J. Mullins & Co., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, to be reworked in compliance with the law, under the supervision of the Food and Drug Administration.

12274. Adulteration of butter. U. S. v. 33 Boxes * * * (total, 2,112 pounds). (F. D. C. No. 22891. Sample No. 52277–H.)

LIBEL FILED: February 25, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about February 12, 1947, by Wanda Creamery Co., from Wanda, Minn.

PRODUCT: 33 64-pound boxes of butter at Chicago, Ill.

LABEL, IN PART: "Butter The Marketing Association of America A Cooperative Distributors."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: April 4, 1947. The Marketing Association of America, Green Bay, Wis., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond. conditioned that it be reworked in order to comply with the law, under the supervision of the Federal Security Agency.

12275. Adulteration of butter. U. S. v. 15 Cartons * * * (total, 990 pounds). (F. D. C. No. 23166. Sample No. 77559–H.)

LIBEL FILED: May 6, 1947, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 24, 1947, by the Kennedy Creamery Company, from Kennedy, Minn.

PRODUCT: 15 66-pound cartons of butter at Philadelphia, Pa.

LABEL, IN PART: "Butter Distributed by C. G. Heyd & Co., 2402 Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: May 22, 1947. C. G. Heyd & Company, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the

product was ordered released under bond, conditioned that it be reworked, under the supervision of the Food and Drug Administration.

12276. Adulteration of butter. U. S. v. 14 Cartons * * * (total, 840 pounds). (F. D. C. No. 22974. Sample No. 77084–H.)

LIBEL FILED: April 9, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about March 26, 1947, by the New Ulm Dairy Co., New Ulm, Minn.

PRODUCT: 14 60-pound cartons of butter at New York, N. Y.

LABEL, IN PART: "Butter Distributed by J. R. Kramer, Inc. 2263 New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: April 24, 1947. J. R. Kramer, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked and that any portion that was unfit for human consumption be denatured for nonedible grease purposes, under the supervision of the Federal Security Agency.

12277. Adulteration of butter. U. S. v. 133 Cubes * * * (total, 8,512 pounds). (F. D. C. No. 23479. Sample No. 70982–H.)

LIBEL FILED: June 9, 1947, Southern District of California.

ALLEGED SHIPMENT: On or about May 24, 1947, by the Nemaha Cooperative Creamery Association, from Sabetha, Kans.

PRODUCT: 133 64-pound cubes of butter at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: August 11, 1947. The Nemaha Cooperative Creamery Assoc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be reworked, under the supervision of the Federal Security Agency.

12278. Adulteration of butter. U. S. v. 504 Cartons * * * (and 2 other seizure actions; total, 1,339½ pounds). (F. D. C. Nos. 22879, 22890, 22894. Sample Nos. 14936–H, 14937–H, 39017–H, 39018–H, 39787–H, 39788–H.)

LIBELS FILED: February 7 and 27, 1947, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about January 11, 20, and 23, 1947, by National Cheese Co., from Chicago, Ill.

PRODUCT: 2,679 8-ounce cartons of butter at Detroit, Mich. All of the product was found to be deficient in milk fat and 761 cartons also were short-weight.

LABEL, IN PART: "Daisy Brand Whipped Butter Sweet [or "Lightly Salted"] 8 Oz. Net Weight."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding (portion), Section 403 (a) and (e) (2), the cartons did not contain "8 Oz." as labeled.)

DISPOSITION: March 10 and 14, 1947, National Cheese Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency.

12279. Misbranding of butter. U. S. v. 3 Cartons, etc. (total, 119 pounds). (F. D. C. No. 22880. Sample Nos. 90882–H, 90889–H.)

LIBEL FILED: March 6, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about February 17, 1947, by H. Wool, from New York, N. Y. The article was subsequently transported to Orange, New Jersey, on or about February 18, 1947.

PRODUCT: 3 cartons, each containing 32 1-pound prints, and 23 1-pound prints of butter at Orange, N. J. Examination showed the article was short-weight.

LABEL, IN PART: "Selected Creamery Butter * * * Packed by Poppy Brand Packaging 137 Reade St., N. Y., N. Y. 1 Lb. Net."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The product was short of the declared weight.)

DISPOSITION: April 21, 1947. Default decree of condemnation; product ordered denatured and sold for salvage fat.

CHEESE

12280. Adulteration and misbranding of creamed cottage cheese. U. S. v. Creameries of America, Inc. (Arden Sunfreze Creameries). Plea of guilty. Fine, $100. (F. D. C. No. 23559. Sample Nos. 85909–H, 85910–H, 85911–H, 91636–H.)

INFORMATION FILED: September 2, 1947, District of Utah against Creameries of America, Inc., a corporation, trading as Arden Sunfreze Creameries, Salt Lake City, Utah.

ALLEGED SHIPMENT: On or about March 10 and April 30, 1947, from the State of Utah into the State of Nevada.

LABEL, IN PART: "Maid O'Clover [or "Arden"] Creamed Cottage Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the product; and, Section 402 (b) (2), a substance containing less than 4 percent by weight of milk fat and more than 80 percent of moisture had been substituted for creamed cottage cheese.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for creamed cottage cheese since it contained less than 4 percent by weight of milk fat and more than 80 percent of moisture.

DISPOSITION: September 19, 1947. A plea of guilty having been entered on behalf of the defendant, a fine of $100 was imposed.

12281. Adulteration of cheese. U. S. v. Farmers Creamery Company. Plea of guilty. Fine, $250 and costs. (F. D. C. No. 23334. Sample No. 77184–H.)

INFORMATION FILED: September 25, 1947, Northern District of Iowa, against the Farmers Creamery Co., a corporation, Ryan, Iowa.

ALLEGED SHIPMENT: On or about April 16, 1947, from the State of Iowa into the State of Wisconsin.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hair, insect fragments, cow hair, feather fragments, manure, and nondescript dirt; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 25, 1947. A plea of guilty having been entered, the court imposed a fine of $250 and costs.

12282. Adulteration of Cheddar cheese. U. S. v. 102 Boxes * * *. (F. D. C. No. 23028. Sample No. 77184–H.)

LIBEL FILED: May 12, 1947, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about April 16, 1947, by the Farmers Creamery Co., from Ryan, Iowa.

PRODUCT: 102 boxes, each containing about 70 pounds, of Cheddar cheese at Platteville, Wis.

LABEL, IN PART: "Cheddar Cheese Iowa Factory No. 2."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair, insect fragments, and manure fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 18, 1497. Default decree of forfeiture. Product ordered denatured and sold for purposes other than for human consumption or destroyed.

12283. Adulteration and misbranding of Cheddar cheese. U. S. v. 49 Cases * * * (F. D. C. No. 23371. Sample No. 82443–H.)

LIBEL FILED: July 23, 1947, Western District of Washington.

ALLEGED SHIPMENT: On or about June 19, 1947, by the Gallatin Valley Cheese Co., from Manhattan, Mont.

PRODUCT: 49 cases each containing 5 12-pound Cheddar cheeses at Tacoma, Wash.

LABEL, IN PART: "Pasteurized Gallatin Valley Cheese Co., Belgrade, Mont.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing excessive moisture had been substituted in whole or in part for Cheddar cheese.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for Cheddar cheese since it contained more than 39 percent of moisture, the maximum permitted by the definition and standard.

DISPOSITION: September 29, 1947. The Gallatin Valley Cheese Co., claimant, having consented to the entry of a decree, judgment was entered ordering that the product be released under bond for reprocessing, under the supervision of the Federal Security Agency.

12284. Adulteration of cheese. U. S. v. 954 Boxes * * *. (F. D. C. No. 23150. Sample No. 64738–H.)

LIBEL FILED: May 28, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about April 16, 1947, by the Hawaiian Freight Forwarders, from Los Angeles, Calif.

PRODUCT: 954 boxes, containing a total of approximately 87,500 pounds, of cheese at Jersey City, N. J. Examination showed that the product had developed rind rot and had a rancid taste.

LABEL, IN PART: "New Zealand Produce Full Cream Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance and was otherwise unfit for food by reason of its rancid taste.

DISPOSITION: August 22, 1947. June Dairy Products Co., Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the recovery of the fat therein for use in soap making, or other inedible use, and for use of the non-fat residue as an ingredient in the manufacture of animal food, under the supervision of the Federal Security Agency.

12285. Adulteration of Cheddar cheese. U. S. v. 34 Boxes * * *. (F. D. C. No. 23043. Sample No. 39564–H.)

LIBEL FILED: May 21, 1947, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about April 22, 1947, by the Gunder Cooperative Cheese Factory, from Gunder, Iowa.

PRODUCT: 34 70-pound boxes of Cheddar cheese at Plymouth, Wis.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and manure fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have been contaminated with filth.

DISPOSITION: August 12, 1947. Default decree of condemnation and destruction.

12286. Adulteration of Cheddar cheese. U. S. v. 11 Boxes, etc. (F. D. C. No. 23052. Sample Nos. 87061–H, 87062–H.)

LIBEL FILED: May 26, 1947, Western District of Wisconsin.

ALLEGED SHIPMENT: April 18, 1947, by Farmersburg Cheese Factory, from Farmersburg, Iowa.

PRODUCT: 22 boxes, each containing 72 pounds, of Cheddar cheese at Monroe, Wis.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted of a filthy substance by reason of the presence of insect fragments and manure fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 14, 1947. Default decree of forfeiture. Product ordered sold and denatured and disposed of for purposes other than for human consumption, or destroyed.

12287. Adulteration of Cheddar cheese. U. S. v. 17 Boxes * * *. (F. D. C. No. 23039. Sample No. 87063–H.)

LIBEL FILED: May 14, 1947, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about April 30, 1947, by the Schley Cheese Factory, from Schley, Iowa.

PRODUCT: 17 72-pound boxes of Cheddar cheese at Boscobel, Wis.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair, and manure fragments.

DISPOSITION: June 18, 1947. Default decree of forfeiture. Product ordered sold and denatured for purposes other than for human consumption, or destroyed.

12288. Adulteration of Cheddar cheese. U. S. v. 50 Boxes * * *. (F. D. C. No. 23416. Sample Nos. 89541–H, 89542–H.)

LIBEL FILED: August 18, 1947, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about July 17 and 28, 1947, by the Schley Cheese Factory, from Schley, Iowa.

PRODUCT: 50 72-pound boxes of Cheddar cheese at Muscoda, Wis.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance because of the presence of manure and insect fragments, and the use of filthy milk in its preparation; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 10, 1947. Default decree of forfeiture. Product ordered destroyed or sold and denatured for purposes other than human consumption.

12289. Adulteration of Cheddar cheese. U. S. v. 9 Boxes * * *. (F. D. C. No. 23443. Sample No. 89384–H.)

LIBEL FILED: September 4, 1947, Northern District of Iowa.

ALLEGED SHIPMENT: On or about July 31, 1947, by Ethan Dairy Products, from Ethan, S. Dak.

PRODUCT: 9 boxes, each containing 4 longhorn Cheddars, of cheese at Sioux City, Iowa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance because of the presence of insect fragments, nondescript dirt, and manure fragments, and the use of filthy milk in its preparation.

DISPOSITION: October 3, 1947. Default decree of condemnation and destruction.

12290. Adulteration of Cheddar cheese. U. S. v. 57¾ Cases, etc. (F. D. C. No. 23434. Sample No. 84885–H.)

LIBEL FILED: August 27, 1947, Western District of New York.

ALLEGED SHIPMENT: On or about July 23, 1947, by Langenfeld Brothers Produce, from Watertown, S. Dak.

PRODUCT: 57¾ cases, each containing twin Cheddars, and 14 cases, each containing four longhorn Cheddars, of cheese at Buffalo, N. Y.

LABEL, IN PART: "Langenfeld Dairy Products Co. Watertown, South Dakota".

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance because of the presence of insect fragments, rodent hair, and manure fragments, and the use of filthy milk in its preparation; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 30, 1947. Default decree of condemnation and destruction.

12291. Adulteration of Cheddar cheese. U. S. v. 10 Cheddars * * *. (F. D. C. No. 23430. Sample No. 62852–H.)

LIBEL FILED: August 28, 1947, Northern District of California.

ALLEGED SHIPMENT: On or about July 9, 1947, by Beauty Girl Nonstock Cooperative, from Gering, Nebr.

PRODUCT: 10 Cheddars, weighing approximately 80 pounds each, at Patterson, Calif.

LABEL, IN PART: "Beauty Girl."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance because of the presence of rodent hair and nondescript dirt, and the use of filthy milk in its preparation; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 18, 1947. Default decree of condemnation and destruction.

12292. Adulteration of Cheddar cheese. U. S. v. 399 Boxes * * *. (F. D. C. No. 23350. Sample No. 77484–H.)

LIBEL FILED: July 8, 1947, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about June 13, 1947, by the Jamestown Cheese Factory, from Riceville, Iowa.

PRODUCT: 399 boxes, each containing 20 pounds, of Cheddar cheese at New Glarus, Wis.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance because of the presence of insect fragments, rodent hair, and manure fragments, and the use of filthy milk in its preparation; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 10, 1947. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed or delivered to any party who would denature and use it for animal food or any purpose other than human consumption.

12293. Adulteration of Cheddar cheese. U. S. v. 90 Boxes * * *. (F. D. C. No. 23339. Sample No. 86927–H.)

LIBEL FILED: July 21, 1947, District of North Dakota.

ALLEGED SHIPMENT: On or about June 9, 1947, by the Gentilly Dairy Association, from Gentilly, Minn.

PRODUCT: 90 70-pound boxes of Cheddar cheese at Grand Forks, N. Dak. Examination showed that the product contained insect fragments, rodent hair, and manure fragments.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 27, 1947. Default decree of condemnation and destruction.

CREAM

12294. Adulteration of cream. U. S. v. 1 Can * * * (and 5 other seizure actions). (F. D. C. Nos. 23471 to 23476, incl. Sample Nos. 86470–H, 86480–H, 88901–H, 89161–H, 89225–H, 89231–H.)

LIBELS FILED: June 12 and 17, 1947, District of Colorado.

ALLEGED SHIPMENT: Between June 6 and 9, 1947; 1 can by Cash Feed Store, 2 cans by Seymour Packing Company, and 1 can by A. P. Kruger, from Imperial, Arapahoe, and Keystone, Nebr., respectively; 1 can by Carr Produce, from Torrington, Wyo.; and 3 cans by Farmers Cooperative Association and 2 cans by John Rupp, from Hays and Ellis, Kans., respectively.

PRODUCT: 10 10-gallon cans of cream at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence in the different lots of one or more of the following: Rodent hair, plant fibers, feather barbules, an insect wing, animal hair, insect parts, vegetable fibers resembling manure, and nondescript dirt.

DISPOSITION: June 17, 1947. The consignees having consented to the entry of decrees, judgments were entered ordering the product to be destroyed immediately.

12295. Adulteration of cream. U. S. v. 2 Cans * * * (and 3 other seizure actions). (F. D. C. Nos. 22977 to 22980, incl. Sample Nos. 86202–H, 86207–H, 91411–H, 91754–H.)

LIBELS FILED: On or about February 28, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about February 22 to 25, 1947, by Bessie Knight and Jose Turman, from Benkelman, Sidney Creamery, from Sidney, and Antone Mickish, from Culbertson, Nebr.; and Klein Produce, from Goodland, Kans.

PRODUCT: 5 10-gallon cans of cream at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of sand, cat hair, rodent hair, and plant particles and tissue.

DISPOSITION: On or about March 5, 1947. The consignees having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered destroyed.

12296. Adulteration of cream. U. S. v. 1 Can * * * (and 2 other seizure actions). (F. D. C. Nos. 22878, 22883, 22895. Sample Nos. 47700–H, 86209–H, 91413–H, 91414–H.)

LIBELS FILED: On February 28, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about February 22, 1947, by Shaws Creamery, from Champion, and by Essie Ungles, from Palisade, Nebr.; and on or about February 26, 1947, by John Lewis, from Jetmore, Kans.

PRODUCT: 7 10-gallon cans of cream at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance or of a filthy and putrid substance, because of the presence of mold, feather barbules, rodent hair, and other filth.

DISPOSITION: February 28, 1947. The consignee having consented to the entry of decrees, judgments were entered ordering that the product be destroyed immediately.

12297. Adulteration of cream. U. S. v. 1 10-Gallon Can * * * (and 3 other seizure actions). (F. D. C. Nos. 22884 to 22887, incl. Sample Nos. 86004–H, 86009–H, 91404–H, 91750–H.)

LIBELS FILED: February 26, 1947, District of Colorado.

ALLEGED SHIPMENT: Between February 19 and 26, 1947, by M. Nielson and Kittle Brothers, from Grant and Maxwell, Nebr., respectively; Zink Produce, from Larned, Kans.; and D. L. Howe, from Wheatland, Wyo.

PRODUCT: 10 10-gallon cans of cream at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy, putrid, and decomposed animal substance.

DISPOSITION: February 26, 1947. The consignees having consented to the entry of decrees, judgments were entered ordering that the product be destroyed immediately.

EGGS

12298. Adulteration of frozen whole eggs. U. S. v. 1,433 Cans * * *. (F. D. C. No. 23072. Sample No. 68645–H.)

LIBEL FILED: June 19, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 15, 1947, by Chapin and Adams Corporation, from Boston, Mass.

PRODUCT: 1,433 30-pound cans of frozen whole eggs at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 26, 1947. Wabash Frozen Foods, Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and denatured or destroyed, under the supervision of the Food and Drug Administration.

12299. Adulteration of frozen whole eggs. U. S. v. 910 Cans * * *. (F. D. C. No. 22896. Sample No. 91224–H.)

LIBEL FILED: April 2, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about March 7, 1947, by Greatwestern Distributors, Inc., from Chicago, Ill.

PRODUCT: 910 30-pound cans of frozen whole eggs at Jersey City, N. J.

LABEL, IN PART: "Frozen Eggs Whole 30 lbs Net * * * Morning Sun Frozen Foods * * * Chicago, Illinois."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance because of the presence of charred embers and dirt, and was otherwise unfit for food because it was musty and had a strong odor of smoke.

DISPOSITION: June 30, 1947. Cooper-Jarrett, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed, after inspection and examination and under the supervision of the Food and Drug Administration.

12300. Adulteration of frozen whole eggs. U. S. v. 200 Cans, etc. (F. D. C. No. 23407. Sample Nos. 69216–H to 69219–H, incl.)

LIBEL FILED: On or about September 8, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 5, 8, and 17, and July 24, 1947, by Producers Produce Co., from Shelbina, Mo.

PRODUCT: 466 30-pound cans of frozen whole eggs at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: September 9, 1947. Dauber Brothers, Chicago, Ill., having appeared as claimant for the above-mentioned lot and for the lot involved in the case reported in notice of judgment on foods, No. 12301, and the cases having been consolidated and the claimant having consented to the entry of a decree, judgment of condemnation was entered. The product was ordered released under bond for the purpose of segregating the good from the bad, under the supervision of the Federal Security Agency. On September 17, 1947, an amended decree was entered providing that the unfit portion be denatured and used for animal feed.

12301. Adulteration of frozen whole eggs. U. S. v. 158 Cans * * *. (F. D. C. No. 23406. Sample No. 69215–H.)

LIBEL FILED: On or about September 8, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 2, 1947, by Rosenberg & Son Produce Co., from Minneapolis, Minn.

PRODUCT: 158 30-pound cans of frozen whole eggs at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: September 9, 1947. Consent decree of condemnation. Product ordered released under bond. (See F. N. J. No. 12300.)

12302. Adulteration of frozen whole eggs. U. S. v. 332 Cans * * * (F. D. C. No. 23365. Sample No. 69221–H.)

LIBEL FILED: July 17, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 27, 1947, by Lipsman Fulkerson & Co., from Omaha, Nebr.

PRODUCT: 332 30-pound cans of frozen whole eggs at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: July 23, 1947. Morris Glickstein, Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and denatured or destroyed under the supervision of the Food and Drug Administration.

12303. Adulteration of frozen whole eggs. U. S. v. 220 Cans * * *. (F. D. C. No. 23363. Sample No. 86848–H.)

LIBEL FILED: July 17, 1947, District of Minnesota.

ALLEGED SHIPMENT: Within the period from on or about May 1 to June 4, 1947, by Wist Produce Co., from Webster, S. Dak.

PRODUCT: 220 30-pound cans of frozen whole eggs at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: September 17, 1947. Armour and Company, claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the purpose of segregating the fit from the unfit and disposing of both in compliance with the law, under the supervision of the Food and Drug Administration.

12304. Adulteration of frozen whole eggs. U. S. v. 187 Cans * * *. (F. D. C. No. 23019. Sample No. 39189–H.)

LIBEL FILED: May 14, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 14, 1947, by Columbia Produce, Inc., from Portage, Wis.

PRODUCT: 187 30-pound cans of frozen whole eggs at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed the presence of decomposed eggs.)

DISPOSITION: May 21, 1947. Columbia Produce, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be denatured or destroyed, under the supervision of the Food and Drug Administration.

12305. Adulteration of frozen whole eggs. U. S. v. 59 Cans * * *. (F. D. C. No. 23359. Sample No. 69204–H.)

LIBEL FILED: July 17, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 23, 1947, by the Peter Fox Sons Co., from Watertown, S. Dak.

PRODUCT: 59 30-pound cans of frozen whole eggs at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 15, 1947. The Peter Fox Sons Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and denatured or destroyed, under the supervision of the Food and Drug Administration.

12306. Adulteration and misbranding of frozen whole eggs. U. S. v. 117 Cans * * *. (F. D. C. No. 23368. Sample No. 60203–H.)

LIBEL FILED: July 24, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 18, 1947, by the Peter Fox Sons Co., from Watertown, S. Dak.

PRODUCT: 117 30-pound cans of frozen whole eggs at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), egg white with 8 to 15 percent added egg yolk had been substituted for frozen whole eggs.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for frozen whole eggs, since the standard provides that frozen whole eggs are prepared from hen's eggs, broken from the shell with yolks and white in their natural proportions, whereas the article was egg white with 8 to 15 percent of added egg yolk.

DISPOSITION: October 15, 1947. Peter Fox Sons Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled, under the supervision of the Food and Drug Administration.

FEEDS AND GRAINS

12307. Adulteration and misbranding of meat scraps. U. S. v. Great Lakes By-Products Co. Plea of guilty. Fine, $200 and costs. (F. D. C. No. 22084. Sample No. 72335–H.)

INFORMATION FILED: July 10, 1947, Northern District of Illinois, against the Great Lakes By-Products Co., a corporation, Chicago, Ill.

ALLEGED SHIPMENT: On or about September 27, 1946, from the State of Illinois into the State of Kansas.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, protein, had been in part omitted and abstracted from the article.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food. It was invoiced as "50 percent meat scraps," i. e. meat scraps containing 50 percent of protein, but consisted of meat scraps containing less than 50 percent of protein; and, Section 403 (e) (1) and (2), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents.

DISPOSITION: July 21, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $200 and costs.

12308. Misbranding of dog food. U. S. v. Gardner E. Goldsmith (Packer Products Co.). Plea of nolo contendere. Fine, $250. (F. D. C. No. 23207. Sample Nos. 3756–H, 42084–H, 42880–H, 53618–H, 64041–H.)

INFORMATION FILED: July 17, 1947, Eastern District of Pennsylvania, against Gardner E. Goldsmith, trading as Packer Products Co., Philadelphia, Pa.

ALLEGED SHIPMENT: Between the approximate dates of June 20 and September 23, 1946, from the State of Pennsylvania into the States of Maryland, Kentucky, and Connecticut, and the District of Columbia.

LABEL, IN PART: "Beefy Brand Dog Food * * * Min. Protein 8.00%."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, protein, had been omitted from the food.

Misbranding, Section 403 (a), the label statement "Min. Protein 8.00%" was false and misleading since the product contained less than 8 percent of protein; and, Section 403 (a), the label statement "Beefy" was false and misleading since the product contained little or no beef.

DISPOSITION: October 1, 1947. A plea of nolo contendere having been entered, the defendant was fined $250.

12309. Misbranding of cottonseed meal and cake. U. S. v. Planters Cotton Oil Mill. Plea of nolo contendere. Fine, $250. (F. D. C. No. 23291. Sample No. 72378–H.)

INFORMATION FILED: July 22, 1947, Eastern District of Arkansas, against the Planters Cotton Oil Mill, a partnership, Pine Bluff, Ark.

ALLEGED SHIPMENT: On or about January 17, 1947, from the State of Arkansas into the State of Kansas.

LABEL, IN PART: "(Planters Prime) 41.00% Protein Cottonseed Meal and Cake."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Crude protein, not less than 41.00%" was false and misleading since the article contained less than 41 percent of crude protein.

DISPOSITION: October 23, 1947. A plea of nolo contendere having been entered, the court imposed a fine of $250.

12310. Adulteration and misbranding of ground barley feed. U. S. v. 1 Carload * * *. (F. D. C. No. 23066. Sample No. 32801–H.)

LIBEL FILED: June 6, 1947, Northern District of Indiana.

ALLEGED SHIPMENT: On or about April 25, 1947, by Sam H. Greene, from Harvard, Ill.

PRODUCT: 1 carload, containing approximately 81,600 pounds, of ground barley feed at North Manchester, Ind.

NATURE OF CHARGE: Adulteration. Section 402 (b) (2), a mixture of barley, weed seeds, weed seed coats, and other material not barley had been substi-

tuted for ground barley feed; and, Section 402 (b) (4), weed seeds, weed seed coats, and other material not barley had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality or strength.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food, ground barley feed.

DISPOSITION: July 1, 1947. The Big Four Elevator, North Manchester, Ind., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered to be delivered to the Great Lakes Duck Farm, La Porte, Ind., to be fed to swine.

FISH AND SHELLFISH

12311. Adulteration of dried fish. U. S. v. 87 Cartons * * *. (F. D. C. No. 23025. Sample No. 70742–H.)

LIBEL FILED: May 9, 1947, Southern District of California.

ALLEGED SHIPMENT: On or about March 12, 1947, by Hawaii Grocers, from Hilo, T. H.

PRODUCT: 87 30-pound cartons of dried fish at Wilmington, Calif. Examination showed that the article contained insects and rodent excreta.

LABEL, IN PART: "Hoshi Brand Extra Fancy Eastern Iriko."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: May 28, 1947. Wilbur-Ellis Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be manufactured into fish fertilizer, under the supervision of the Federal Security Agency.

12312. Adulteration of frozen bluefish. U. S. v. 1,363 Pounds * * *. (F. D. C. No. 23500. Sample Nos. 91107–H, 91111–H, 91113–H.)

LIBEL FILED: July 16, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about April 23 and 25, 1947, by the Raffield Fish Market, from Panama City, Fla.

PRODUCT: 1,363 pounds of frozen bluefish at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: August 27, 1947. Default decree of condemnation and destruction.

12313. Adulteration of frozen buffalo fish. U. S. v. 1,796 Pounds * * *. (F. D. C. No. 23552. Sample Nos. 91114–H, 91117–H.)

LIBEL FILED: August 6, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about April 8, 9, and 10, 1947, by M. L. Banxton and J. E. Harris, Voth, Tex.; Clement Thrasher, Eden, and Fred White, Foxworth, Miss.; Bastrop Fish Co., Bastrop, H. B. Barfield, Newellton, and E. Custon, Lake Providence, La.; Milo Barrington, R. L. Brown, and J. Miller, Lake Village, Ark.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: September 4, 1947. Default decree of condemnation and destruction.

12314. Adulteration and misbranding of frozen haddock. U. S. v. 70 Cartons * * *. (F. D. C. No. 23169. Sample No. 74585–H.)

LIBEL FILED: June 5, 1947, District of Massachusetts.

ALLEGED SHIPMENT: On or about March 5 and April 2, 1947, by the Neptune Packing Co., from Atlantic City, N. J.

PRODUCT: 70 1-pound cartons of frozen haddock at Worcester, Mass. Examination showed that the product was hake and that it contained a chemical preservative, benzoic acid.

LABEL, IN PART: "Neptuna Fillet Haddock," or "Neptuna Brand Haddock Fillets Quick-Frozen."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), hake fillets had been substituted for haddock fillets.

Misbranding, Section 403 (a), the label designation "Haddock" was false and misleading as applied to hake fillets; and, Section 403 (k), the article contained benzoic acid, a chemical preservative, and it failed to bear labeling stating that fact.

DISPOSITION: July 15, 1947. Default decree of condemnation. Product ordered delivered to a charitable institution.

12315. Adulteration of herring in brine. U. S. v. 65 Barrels * * * (and 1 other seizure action). (F. D. C. Nos. 23051, 23148. Sample Nos. 69948-H, 87701-H.)

LIBELS FILED: May 26 and 28, 1947, Southern District of New York and Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 19, 1947, by Harris Cove Packing Co., from Eastport, Maine.

PRODUCT: Herring in brine. 65 400-pound barrels at Chicago, Ill., and 2 300-pound barrels, 41 400-pound barrels, and 73 220-pound barrels at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: June 14 and September 12, 1947. Default decrees of condemnation and destruction.

12316. Adulteration of canned sardines. U. S. v. 399 Cases * * * (and 5 other seizure actions). (F. D. C. Nos. 22940 to 22942, incl., 23009, 23129, 23130. Sample Nos. 1998-H, 50569-H, 55026-H.)

LIBELS FILED: April 21 and 29 and May 21, 1947, Eastern District of South Carolina and Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about March 5 and 15, 1947, by the Stinson Canning Co., from Waukeag, Maine.

PRODUCT: 849 cases of sardines at Charleston, S. C., and 21 cases of sardines at Baton Rouge, La. Each case contained 100 3¼-ounce cans.

LABEL, IN PART: (Can) "Beach Cliff Brand * * * Maine Sardines."

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: October 11 and 30, 1947. The Stinson Canning Co., claimant, having admitted the allegations of the libel, judgments of condemnation were entered and the product was ordered released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration.

12317. Adulteration of canned sardines. U. S. v. 20 Cases, etc. (F. D. C. No. 23108. Sample No. 54389-H.)

LIBEL FILED: May 13, 1947, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about March 25, 1947, by Charles R. Allen, Inc., from Charleston, S. C.

PRODUCT: 27 cases, each containing 100 3¼-ounce cans, of sardines at Lexington, N. C.

LABEL, IN PART: "Billow Brand American Sardines * * * Packed by Addison Packing Co. Southwest Harbor, Maine" and "Beach Cliff Brand Maine Sardines * * * Packed by Stinson Canning Company Prospect Harbor, Maine."

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: September 2, 1947. The Addison Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

12318. Adulteration of canned sardines. U. S. v. 349 Cartons * * * (and 10 other seizure actions). (F. D. C. Nos. 22961, 22962, 22970 to 22972, to 54842–H, incl., 54844–H, 54851–H, 55025–H, 91329–H.)
to 54842–H, incl., 54844–H, 54851–H, 55025–H, 91329–H.)

LIBELS FILED: Between the approximate dates of April 25 and May 23, 1947, Southern District of New York, Eastern and Western Districts of South Carolina, and Northern, Middle, and Southern Districts of Georgia.

ALLEGED SHIPMENT: Between the approximate dates of March 6 and 26, 1947, by the Addison Packing Co., from Ellsworth, Maine.

PRODUCT: 663 cases, each containing 100 3¼-ounce cans, of sardines at New York, N. Y.; Charleston, Greenville, Chester, Columbia, and Kingstree, S. C.; and Jasper, Canton, La Grange, Thomaston, and Statesboro, Ga.

LABEL, IN PART: (Cans) "Billow Brand American Sardines," or "Beach Cliff Brand Maine Sardines."

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: Between the dates of June 5 and November 19, 1947. No claimant having appeared for the Greenville, Thomaston, Chester, and Columbia lots, decrees of condemnation and destruction were entered. The Stinson Canning Co., Prospect Harbor, Maine, and the Addison Packing Co., having appeared as claimant for the other lots, and having admitted the allegations of the libels, decrees of condemnation were entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

12319. Adulteration of canned sardines. U. S. v. 554 Cases * * *. (F. D. C. No. 23418. Sample No. 84957–H.)

LIBEL FILED: August 15, 1947, Western District of New York.

ALLEGED SHIPMENT: On or about July 15, 1947, by the Bath Canning Co., Inc., from Bath, Maine.

PRODUCT: 554 cases, each containing 100 3¼-ounce cans, of sardines at Buffalo, N. Y.

LABEL, IN PART: "Maine-Maid Brand American Sardines."

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: September 30, 1947. The Bath Canning Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

12320. Adulteration of canned sardines. U. S. v. 315 Cases * * *. (F. D. C. No. 22832. Sample No. 91308–H.)

LIBEL FILED: On or about April 30, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 17, 1947, by I. Ostrover, from New York, N. Y.

PRODUCT: 315 cases, each containing 100 3¼-ounce cans, of sardines at Chicago, Ill.

LABEL, IN PART: "Maine-Maid Brand American Sardines * * * Packed by Belfast Packing Co., Belfast, Maine."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was in whole or in part the product of a diseased animal. (Examination showed the presence of diseased fish.)

DISPOSITION: September 17, 1947. Default decree of condemnation and destruction.

12321. Adulteration of canned butter clams. U. S. v. 83 Cases * * *. (F. D. C. No. 23410. Sample Nos. 70872–H, 70873–H.)

LIBEL FILED: August 13, 1947, Southern District of California.

ALLEGED SHIPMENT: On or about June 25, 1947, by Iwersen Canning Co., from Point Roberts, Wash.

PRODUCT: 83 cases, each containing 48 cans, of butter clams, at Whittier, Calif. Examination showed that the cans contained an average of 6.12 ounces of drained clams, whereas the cans should have contained at least 7.62 ounces of drained clams.

LABEL, IN PART: "Breakers Brand Whole Butter Clams Net Contents 1 Lb."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), brine had been substituted in part for clams.

DISPOSITION: October 2, 1947. Iwersen Canning Co., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

12322. Adulteration of canned crab meat. U. S. v. 19¼ Cases * * *. (F. D. C. No. 22732. Sample No. 74391–H.)

LIBEL FILED: March 27, 1947, District of Massachusetts.

ALLEGED SHIPMENT: On or about July 11, 1946, by the Crescent Seafood Sales Company, from New Orleans, La.

PRODUCT: 19¼ cases, each containing 24 7.8-ounce cans, of crab meat at Fitchburg, Mass.

LABEL, IN PART: "Cutcher Vacuum Packed American Crab Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: June 9, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12323. Adulteration of canned crab meat. U. S. v. 8 Cases * * *. (F. D. C. No. 22756. Sample No. 54926–H.)

LIBEL FILED: On or about April 4, 1947, Northern District of Georgia.

ALLEGED SHIPMENT: On or about July 31, 1946, by Tropical Foods Co., from New Orleans, La.

PRODUCT: 8 cases, each containing 24 7⅞₀-ounce cans, of crab meat at Atlanta, Ga.

LABEL, IN PART: "Tropical Brand * * * Crab Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: May 26, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12324. Adulteration of canned crab meat. U. S. v. 7 Cases * * *. (F. D. C. No. 23033. Sample No. 68176–H.)

LIBEL FILED: On or about May 21, 1947, Western District of Missouri.

ALLEGED SHIPMENT: On or about March 14, 1947, by the Kaakinen Fish Co., from Westport, Wash.

PRODUCT: 7 cases, each containing 48 6½-ounce cans, of crab meat at Kansas City, Mo. Examination showed that the cans contained an average of 5.65 ounces of drained crab meat, whereas they should have contained at least 6.5 ounces of drained crab meat.

LABEL, IN PART: "Sea Haven Brand Fancy Crab Meat."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), brine had been substituted in part for crab meat.

DISPOSITION: September 3, 1948. Default decree entered, ordering that the product be delivered to a charitable institution.

12325. Adulteration and misbranding of frozen lobster meat. U. S. v. 232 Cans, etc. (F. D. C. No. 23504. Sample Nos. 90655–H, 90656–H.)

LIBEL FILED: July 18, 1947, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about June 16 and 27, 1947, by M. P. Levy Co., Inc., from New York, N. Y.

PRODUCT: 276 cans of frozen lobster meat at Norfolk, Va.

LABEL, IN PART: "Fresh Lobster Meat 14 Oz. Net. Product of Canada Fred Divine, Cape Bald, N. B. [or "E. Paturel Shediac N. B."]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of contents. (The article was short-weight.)

DISPOSITION: November 14, 1947. Default decree of condemnation and destruction.

12326. Adulteration of frozen lobster meat. U. S. v. 1,177 Cans, etc. (and 3 other seizure actions against frozen lobster meat). (F. D. C. Nos. 23558, 23641, 23688, 23689. Sample Nos. 91112–H, 91115–H, 91116–H, 92001–H to 92004–H, incl., 92006–H.)

LIBELS FILED: August 11 and 19 and September 9, 1947, Southern District of New York.

ALLEGED SHIPMENT: Between the approximate dates of June 7 and 18, 1947, by the Sealand Foods Corp., from Shippegan, New Brunswick, Canada.

PRODUCT: 6,889 14-ounce cans of frozen lobster meat at New York, N. Y.

LABEL, IN PART: (Portions) "Fresh Lobster Meat Product of Canada Fred Divine, Cape Bald, N. B." and "Fresh Lobster Meat Product of Canada Gulf Fish & Trading Co. Ltd. Newcastle, N. B. Canada."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: September 4 and 15 and October 7, 1947. Default decrees of condemnation and destruction.

12327. Adulteration of canned shrimp. U. S. v. 20 Cartons * * *. (F. D. C. No. 22914. Sample No. 8838–H.)

LIBEL FILED: April 10, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about May 18, 1946, by Medomak Canning Company, from Winslow Mills, Maine.

PRODUCT: 20 cartons, each containing 48 6½- or 7-ounce cans, of shrimp at New York, N. Y.

LABEL, IN PART: "Maine-Maid Brand Maine Wet Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: May 23, 1947. Default decree of condemnation and destruction.

12328. Adulteration of dried shrimp. U. S. v. 6 Barrels * * *. (F. D. C. No. 22867. Sample No. 75352–H.)

LIBEL FILED: April 23, 1947, Northern District of California.

ALLEGED SHIPMENT: On or about January 31, 1947, by Richard Iwata, from Honolulu, T. H.

PRODUCT: 6 200-pound barrels of dried shrimp at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: June 11, 1947. Default decree of condemnation and destruction.

12329. Adulteration of frozen shrimp. U. S. v. 18 Boxes * * *. (F. D. C. No. 22899. Sample Nos. 91018–H, 91020–H.)

LIBEL FILED: April 4, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about September 23, 1946, by W. M. Wells & Sons, from Southport, N. C.

PRODUCT: 18 boxes, containing a total of 2,478 pounds, of frozen shrimp at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: May 12, 1947. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

12330. Adulteration of canned apricots and canned plums. U. S. v. 424 Cases, etc. (F. D. C. No. 22954. Sample Nos. 15607–H, 15608–H.)

LIBEL FILED: May 8, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 29, 1946, by Norish Finer Foods, from Grand Junction, Colo.

PRODUCT: 224 cases, each containing 24 No. 2½ cans, of apricots, and 70 cases, each containing 24 No. 2½ cans, of plums. The cans were unlabeled. No written agreement existed between the shipper and the consignee as to the labeling of the products.

LABEL, IN PART: (Cases) "Unpeeled Whole Apricots Heavy Syrup," and "Red Plums in Extra Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), (apricots) the article purported to be and was represented as canned apricots and its label failed to bear, as the regulations require, the name of the optional apricot ingredient, unpeeled whole apricots, and the name of the optional packing medium present, light sirup; Section 403 (a), (plums) the statement on the case, "Red Plums in Extra Heavy Syrup," was false and misleading since the product was not packed in extra heavy sirup and since some of the cans contained yellow plums; Section 403 (i) (1), (plums) the cans failed to bear the common or usual name of the food; and, Section 403 (e), (apricots and plums) the cans failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents.

DISPOSITION: June 5, 1947. Royal Blue Stores, Inc., Chicago, Ill., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the products were ordered released under bond, to be labeled under the supervision of the Food and Drug Administration.

12331. Misbranding of canned apricots. U. S. v. 438 Cases * * *. (F. D. C. No. 23446. Sample No. 75295–H.)

LIBEL FILED: September 9, 1947, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 23, 1947, by Bercut-Richards Packing Co., from Sacramento, Calif.

PRODUCT: 438 cases, each containing 24 1-pound, 14-ounce cans, of apricots at Pittsburgh, Pa.

LABEL, IN PART: "Grade A Halves Unpeeled Apricots in Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the label failed to bear, as the regulations prescribing a definition and standard of identity for canned apricots require, the name of the optional packing medium present in the article, since the label bore the statement "in Heavy Syrup" and the article was packed in light sirup.

DISPOSITION: October 31, 1947. Bercut-Richards Packing Company, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, to be relabeled under the supervision of the Food and Drug Administration.

12332. Misbranding of maraschino cherries. U. S. v. 298 Cases, etc. (F. D. C. No. 23486. Sample Nos. 74364–H, 74365–H.)

LIBEL FILED: July 9, 1947, District of Massachusetts.

ALLEGED SHIPMENT: On or about May 9 and 17, 1947, by the deRedon Food Products Corporation, from New London, Conn.

PRODUCT: 544 cases, each containing 24 8-ounce jars, of maraschino cherries at Somerville, Mass. Examination showed that the product was short-weight.

LABEL, IN PART: "Gold-Bo Maraschino Cherries 8 Oz. Avoir * * *," or "DeReDo Brand Maraschino Cherries * * * Net Contents 8 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: July 29, 1947. The deRedon Food Products Corporation having consented to the entry of a decree, judgment of condemnation was entered and

the product was ordered released under bond for repacking under the supervision of the Federal Security Agency.

12333. Adulteration of canned peaches. U. S. v. 219 Cases, etc. (F. D. C. No. 23055. Sample Nos. 61161-H, 61162-H.)

LIBEL FILED: May 26, 1947, Western District of New York.

ALLEGED SHIPMENT: On or about August 3 and 20, 1946, by Jones Brothers Canning Co., from Greer, S. C.

PRODUCT: 219 cases, each containing 24 1-pound, 13-ounce cans, of yellow freestone peaches at Buffalo, N. Y.

LABEL, IN PART: "Cedar Rock Brand Yellow Peeled Freestone Peaches * * * Packed by J. A. Jones, Easley, S. C.," or "Cedar Rock Brand Yellow Freestone Peaches."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of a filthy substance by reason of the presence of insect excreta and larvae.

DISPOSITION: June 23, 1947. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

12334. Misbranding of canned peaches. U. S. v. Pleasant Grove Canning Company. Plea of guilty. Fine, $75. (F. D. C. No. 23320. Sample Nos. 41349-H, 91511-H.)

INFORMATION FILED: August 12, 1947, District of Utah against Pleasant Grove Canning Co., a corporation, Pleasant Grove, Utah.

ALLEGED SHIPMENT: On or about November 4 and 5, 1946, from the State of Utah into the States of Kansas and Missouri.

LABEL, IN PART: "Utah Valley Brand Yellow Freestone Peaches Peeled Halves Packed in Medium Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product failed to conform to the standard of quality for canned peaches, since all the peach units were not untrimmed or so trimmed as to preserve their normal shape, as required by the regulations, and the label failed to bear the substandard legend; and, Section 403 (g) (2), the product failed to conform to the definition and standard of identity for canned peaches since its label failed to bear the name of the optional packing medium present. The label bore the statement "Packed in Medium Syrup," a packing medium not provided for in the regulations, and the product was packed in light sirup.

DISPOSITION: August 29, 1947. A plea of guilty having been entered on behalf of the defendant, a fine of $75 was imposed.

12335. Misbranding of canned peaches. U. S. v. 264 Cases * * * (F. D. C. No. 22784. Sample No. 91779-H.)

LIBEL FILED: April 1, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about December 16, 1946, by the Washington Canners Co-operative Association, from Vancouver, Wash.

PRODUCT: 264 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Denver, Colo.

LABEL, IN PART: "Bestwest Select Fancy Halved Yellow Freestone Peaches in Extra Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article failed to conform to the definition and standard of identity for canned peaches since its label failed to bear the name of the optional packing medium present. The label bore the statement "In Extra Heavy Syrup" and the article was packed in sirup designated as "Heavy Sirup" in the standard.

DISPOSITION: June 3, 1947. The Washington Canners Cooperative Association, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was released under bond, conditioned that it be relabeled in conformity with the law, under the supervision of the Food and Drug Administration.

12336. Misbranding of canned peaches. U. S. v. 206 Cases * * *. Tried to the court. (F. D. C. No. 22937. Sample No. 68147–H.)

LIBEL FILED: April 17, 1947, Northern District of Oklahoma.

ALLEGED SHIPMENT: On or about October 23, 1946, by the Bentonville Canning Co., from Bentonville, Ark.

PRODUCT: 206 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Tulsa, Okla.

LABEL, IN PART: "Flavoful Brand Water Pack Yellow Free Peaches," and "Flavoful Brand Water Pack Yellow Free Peaches * * * Mixed Pieces Irregular Size and Shape."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned peaches, a food for which a definition and standard of identity had been prescribed by the regulations, and its label failed to bear as required by such definition and standard the name of the optional peach ingredient present in the article, namely, halves; and, Section 403 (h) (1), the article was substandard in quality and its label failed to bear a statement that it was below standard. (All units of the article were not untrimmed or so trimmed as to preserve normal shape and its label failed to bear a statement that it fell below such standard.)

DISPOSITION: September 26, 1947. The Bentonville Canning Co., claimant, having filed an answer denying that the product was misbranded, the case came on for trial before the court. After the introduction of evidence and after argument of counsel, the court made findings that the portion of the product labeled "Mixed Pieces Irregular Size and Shape" were not misbranded within the meaning of the regulations defining canned peaches and establishing a standard of identity or misbranded within the meaning of Section 403 (h) (1), but that the remainder of the product was misbranded within the meaning of Section 403 (g) (2). Accordingly, judgment of condemnation was entered against the entire lot of the product and it was ordered that the portion of the product labeled "Mixed Pieces Irregular Size and Shape" be returned to the consignee and that the portion of the product found to be misbranded be released to the claimant under bond for relabeling, under the supervision of the Federal Security Agency.

12337. Misbranding of canned peaches. U. S. v. 149 Cases * * *. (F. D. C. No. 22934. Sample No. 58792–H.)

LIBEL FILED: April 18, 1947, Western District of Washington.

ALLEGED SHIPMENT: On or about November 21, 1946, by Hudson-Duncan & Co., from Forest Grove, Oreg.

PRODUCT: 149 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Seattle, Wash.

LABEL, IN PART: "Pride of Oregon Brand * * * Old Fashioned Freestone Peaches Yellow Peeled Halves in Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned peach halves because of excessive variation in size of the units and excess of peel.

DISPOSITION: June 9, 1947. Hudson-Duncan & Co., Portland, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

12338. Misbranding of canned peaches. U. S. v. 138 Cases * * *. (F. D. C. No. 23116. Sample No. 90636–H.)

LIBEL FILED: May 15, 1947, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about October 31, 1946, by the Pacific Grape Products Co., from Empire, Calif.

PRODUCT: 138 cases, each containing 6 6-pound, 10-ounce cans, of peaches at Norfolk, Va.

LABEL, IN PART: "Dignity Brand Yellow Freestone Sliced Peaches in Light Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard since it was canned peach slices in containers of 20 or

more units and more than 5 percent of the units in the container were crushed and broken, and the label failed to bear the statement that it was substandard.

DISPOSITION: August 14, 1947. Default decree of condemnation. Product ordered delivered to a charitable institution.

FROZEN FRUIT

12339. Adulteration and misbranding of frozen cherries. U. S. v. 117 Cases * * *. (F. D. C. No. 22780. Sample No. 81288–H.)

LIBEL FILED: March 28, 1947, Northern District of California.

ALLEGED SHIPMENT: On or about February 7, 1947, by the Polar Frosted Foods, Inc., from Seattle, Wash.

PRODUCT: 117 cases, each containing 24 1-pound cups, of frozen cherries at Oakland, Calif.

LABEL, IN PART: "Polar Frosted Foods Red Sour Pitted Cherries With Sugar Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), partially pitted cherries had been substituted in whole or in part for pitted cherries.

DISPOSITION: May 19, 1947. Default decree of condemnation. Product ordered delivered to a charitable institution.

12340. Adulteration and misbranding of frozen cherries. U. S. v. 50 Cases * * *. (F. D. C. No. 22908. Sample No. 81298–H.)

LIBEL FILED: April 7, 1947, Southern District of Florida.

ALLEGED SHIPMENT: On or about March 14, 1947, by Polar Frosted Foods, Inc., from Seattle, Wash.

PRODUCT: 50 cases, each containing 24 cups, of frozen cherries at Miami, Fla.

LABEL, IN PART: (Cup lid) "Polar Frosted Foods Red Sour Pitted Cherries with Sugar Syrup Net Weight 1 Lb. Avoir. Packed by S. A. Moffett Co., Seattle, Wn."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), partially pitted cherries had been substituted in whole or in part for pitted cherries.

Misbranding, Section 403 (a), the label statement "Red Sour Pitted Cherries" was false and misleading as applied to partially pitted cherries.

DISPOSITION: August 29, 1947. Wholesale Dairy Products, Inc., Miami, Fla., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, for relabeling under the supervision of the Federal Security Agency.

12341. Adulteration and misbranding of frozen raspberries. U. S. v. 67 Cases, etc. (F. D. C. No. 23076. Sample Nos. 84851–H to 84854–H, incl.)

LIBEL FILED: June 13, 1947, Western District of New York.

ALLEGED SHIPMENT: On or about July 19, 23, and 25, 1946, by Todkill & Chapman, from North East, Pa.

PRODUCT: 137 cases of frozen black raspberries and 284 cases of frozen red raspberries at Buffalo, N. Y. Each case contained 18 1-pound cups or 24 12-ounce cups of berries. The 137 cases of frozen black raspberries and 156 cases of the red raspberries were labeled "Strawberries." The black raspberries were in part decomposed. The remaining 128 cases of red raspberries were properly labeled, but contained insects.

LABEL, IN PART: "Dulany Quality Frosted Whole Strawberries with Sugar," or "Dulany Quality Frosted Raspberries with Sugar."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (137 cases) the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed black raspberries, and (128 cases) of a filthy substance by reason of the presence of insects.

Misbranding, Section 403 (a), (293 cases) the label statement "Frosted Whole Strawberries with Sugar" was false and misleading as applied to frozen black raspberries and to frozen red raspberries.

DISPOSITION: July 7, 1947. Default decree of condemnation and destruction.

12342. Misbranding of frozen strawberries and frozen raspberries. U. S. v. 100 Cases, etc. (F. D. C. No. 22770. Sample Nos. 3780–H to 3782–H, incl.)

LIBEL FILED: March 26, 1947, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 13, 1947, by Buffalo Frosted Foods, Inc., from Buffalo, N. Y.

PRODUCT: 100 cases, each containing 36 12-ounce cartons, and 100 cases, each containing 24 cans, of frozen strawberries; and 100 cases, each containing 24 cans, of frozen raspberries, at Greencastle, Pa. Examination showed that the strawberries were short-weight. The cans containing the raspberries were unlabeled.

LABEL, IN PART: (Strawberries, cartons and cans) "Net Wt. 12 Ozs. [or "1 lb."] Frozen Fresh Strawberries with Sugar"; (raspberries, cases) "Frozen Fresh Columbian Raspberries with Sugar 24 1 Lb. Cans."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), (raspberries) the cans of the article failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of contents; Section 403 (i) (2), (raspberries) the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each; and, Section 403 (e) (2), (strawberries) the labels of the cartons and cans failed to contain an accurate statement of the quantity of contents.

DISPOSITION: April 14, 1947. Buffalo Frosted Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond, conditioned that the strawberries be relabeled and the raspberries be repackaged, under the supervision of the Federal Security Agency.

12343. Adulteration of frozen strawberries. U. S. v. 1,560 Cans * * * (F. D. C. Nos. 23077, 23078. Sample No. 39458–H.)

LIBEL FILED: June 23, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 30, 1947, by M. W. Miller & Co., from Hammond, La.

PRODUCT: 1,560 30-pound cans of frozen strawberries at Chicago, Ill.

LABEL, IN PART: "All Star Brand Louisiana Strawberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed the presence of decomposed berries.)

DISPOSITION: August 15, 1947. Default decree of condemnation and destruction.

12344. Adulteration of frozen strawberries. U. S. v. 1,600 Cans * * * (and two other seizure actions). (F. D. C. Nos. 23369, 23381, 23441. Sample Nos. 39281–H, 39282–H, 39294–H, 39295–H, 76521–H.)

LIBELS FILED: July 22 and 28 and September 4, 1947, Eastern District of Wisconsin and Western District of Texas.

ALLEGED SHIPMENT: On or about June 2, 6, and 9, 1947, by M. W. Miller & Co., from New Orleans, La.

PRODUCT: Frozen strawberries. 1,600 30-pound cans, 81 450-pound drums, and 30 450-pound barrels at Green Bay, Wis.; and 500 30-pound cans at San Antonio, Tex.

LABEL, IN PART: "All Star Brand Strawberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. (Examination showed the presence of decomposed and moldy berries.)

DISPOSITION: September 23 and October 7, 1947. The M. W. Miller Co., Sturgeon Bay, Wis., having appeared as claimant for the Wisconsin lots, and no claimant having appeared for the Texas lot, judgments of condemnation were entered. The Wisconsin lots were ordered released under bond to be brought into compliance with the law by segregating the good strawberries from the bad, under the supervision of the Food and Drug Administration. The Texas lot was ordered destroyed.

12345. Adulteration of frozen strawberries. U. S. v. 70 Cases * * *. (F. D. C. No. 22928. Sample No. 74759–H.)

LIBEL FILED: April 15, 1947, District of Massachusetts.

ALLEGED SHIPMENT: On or about January 6, 1947, by Cortley Frosted Foods, from New York, N. Y.

PRODUCT: 70 cases, each containing 48 16-ounce packages, of frozen strawberries at Boston, Mass.

LABEL, IN PART: "Cortley Frosted Foods Whole Strawberries In Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water, or water and sugar, had been substituted in part for strawberries; and, Section 402 (b) (4), water had been added to the article so as to increase its bulk and weight.

DISPOSITION: July 15, 1947. Foster Frozen Foods, Inc., Manchester, N. H., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for manufacture into bulk jams and preserves, under the supervision of the Federal Security Agency.

12346. Adulteration of frozen strawberries and frozen strawberry puree. U. S. v. 183 Cans, etc. (F. D. C. No. 23394. Sample Nos. 86787–H, 86790–H, 99518–H.)

LIBELS FILED: July 31, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 12 and 13, 1947, from Memphis and Bells, Tenn., by James-Dunlap Co.

PRODUCT: 183 50-pound cans of frozen strawberries, and 37 30-pound cans of frozen strawberry puree at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: September 15, 1947. Default decrees of condemnation and destruction.

JELLIES, PRESERVES, AND FRUIT BUTTERS

12347. Adulteration and misbranding of apple-strawberry jelly. U. S. v. 95 Cases * * *. (F. D. C. No. 22798. Sample No. 41368–H.)

LIBEL FILED: April 3, 1947, Southern District of Illinois.

ALLEGED SHIPMENT: On or about December 19, 1946, by Craddock Canning & Preserve Co., from Paducah, Ky.

PRODUCT: 95 cases, each containing 25 1-pound, 10-ounce cans, of apple-strawberry jelly at Springfield, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing artificial flavoring and coloring and deficient in fruit juice had been substituted in whole or in part for apple-strawberry jelly.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for apple-strawberry jelly, since it was made from a mixture composed of less than 45 parts by weight of the fruit juice ingredients to each 55 parts by weight of one of the saccharine ingredients specified in the standard. It failed also to conform to the standard since it contained artificial flavoring and coloring, which are not permitted as ingredients of apple-strawberry jelly.

DISPOSITION: June 5, 1947, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

12348. Misbranding of peach jelly. U. S. v. 77 Cases * * *. (F. D. C. No. 23023. Sample No. 41367–H.)

LIBEL FILED: May 9, 1947, Southern District of Illinois.

ALLEGED SHIPMENT: On or about November 23, 1946, by Craddock Canning and Preserve Co., from Paducah, Ky.

PRODUCT: 77 cases, each containing 24 1-pound, 10-ounce cans, of jelly at Springfield, Ill.

LABEL, IN PART: "Craddock Brand Pure Peach Jelly Contents 1 Lb. 10 Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short-weight.)

DISPOSITION: October 6, 1947. M. J. Kellner Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled, under the supervision of the Food and Drug Administration.

12349. Adulteration and misbranding of grape jelly. U. S. v. 248 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 23174, 23489, 23490. Sample Nos. 74881–H, 74883–H, 91357–H.)

LIBELS FILED: June 9 and July 15, 1947, Eastern District of New York and District of Rhode Island.

ALLEGED SHIPMENT: On or about March 27 and May 22, 1947, by Cape Cod Farms, Inc., from Hyannis, Mass.

PRODUCT: 248 cases and 62 cases of grape jelly at Brooklyn, N. Y., and Providence, R. I., respectively. Each case contained 24 jars.

LABEL, IN PART: (Jars) "Clifton's Contents 1 Lb. Grape Jelly."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product deficient in fruit juice had been substituted in whole or in part for grape jelly.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for grape jelly since it was made from a mixture composed of less than 45 parts by weight of the fruit juice ingredient to each 55 parts by weight of one of the saccharine ingredients specified in the definition and standard; and, Section 403 (e) (2), the article in the Rhode Island lots failed to bear a label containing an accurate statement of the quantity of contents. (The article was short-weight.)

DISPOSITION: September 19 and October 2, 1947. The Cape Cod Farms, Inc., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for reprocessing and relabeling, under the supervision of the Federal Security Agency.

12350. Adulteration and misbranding of grape jelly. U. S. v. 25 Cases * * *. (F. D. C. No. 23141. Sample No. 41384–H.)

LIBEL FILED: June 2, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about April 1, 1947, by Edw. S. Ridgway and Co., from Salem, Ill.

PRODUCT: 25 cases, each containing 24 12-ounce jars, of grape jelly at St. Louis, Mo.

LABEL, IN PART: "Westwood Brand Old Fashioned Grape Jelly."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing added water and artificial coloring had been substituted in whole or in part for grape jelly.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for grape jelly, since the regulations do not permit the use of added water and artificial color.

DISPOSITION: June 30, 1947. Default decree of condemnation. Product ordered delivered to charitable institutions.

12351. Adulteration of preserves. U. S. v. 3 Cases, etc. (F. D. C. No. 23466. Sample Nos. 66384–H, 66385–H, 66387–H, 66388–H.)

LIBEL FILED: July 11, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about March 3 and 18, and April 19 and 29, 1947, by Food Fair Stores, Inc., from Philadelphia, Pa.

PRODUCT: 3 cases, each containing 24 16-ounce jars, of pineapple-apricot preserves; 9 16-ounce jars of raspberry preserves; 8 16-ounce jars of boysenberry preserves; and 6 15-ounce jars of strawberry preserves, at Camden, N. J.

LABEL, IN PART: (Jars) "Mrs. Hoffman's 100% Pure Pine. Apricot [or "Raspberry," "Boysenberry," or "Strawberry"] Preserves Contents 16 [or "15"] Oz. Avd."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), products having a soluble solids content of less than 65 percent, in the case of the pineapple-apricot variety, and less than 68 percent, in the case of the other varieties, had

been substituted for pineapple-apricot, raspberry, boysenberry, and strawberry preserves, respectively.

Misbranding, Section 403 (e) (2), the labels of the articles failed to contain an accurate statement of the quantity of the contents since the articles were short of the declared weight; and, Section 403 (g) (1), the articles failed to conform to the definition and standard of identity for the preserves since the soluble solids content was less than that prescribed by the standard.

DISPOSITION: August 8, 1947. Default decree of condemnation. Product ordered delivered to a charitable institution.

12352. Adulteration and misbranding of Strawberry Treet and peach topping. U. S. v. 9 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 22938, 22939. Sample Nos. 76828–H, 76858–H.)

LIBELS FILED: April 22, 1947, District of South Dakota.

ALLEGED SHIPMENT: On or about January 28 and 31 and March 18, 1947, by the Lano Food Products Co., from Minneapolis, Minn.

PRODUCT: 9 cases of Strawberry Treet and 12 cases of peach topping at Milbank and Aberdeen, S. Dak., respectively. Each case contained 12 19-ounce jars. The products were packed in transparent glass jars and had the appearance of strawberry and peach preserves, respectively.

LABEL, IN PART: "Edd Leon's Strawberry Treet [or "Peach Topping"]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), (Strawberry Treet) a substance consisting essentially of strawberries and sugar and containing added phosphoric acid, and having a soluble solids content of less than 68 percent, had been substituted in whole or in part for strawberry preserves; (peach topping) a substance consisting essentially of a mixture of peaches and sugar, and containing added phosphoric acid, and having a soluble solids content of less than 65 percent, had been substituted in whole or in part for peach preserves.

Misbranding, Section 403 (g) (1), the articles purported to be peach and strawberry preserves and failed to conform to the definition and standard of identity therefor since the soluble solids content of the articles was less than the minimum required by the standard and since they contained added phosphoric acid, which is not permitted as an ingredient of peach and strawberry preserves in such definition and standard.

DISPOSITION: June 9, 1947. No claimant having appeared, judgments of condemnation were entered and the products were ordered delivered to charitable institutions.

12353. Adulteration of apple butter. U. S. v. Hewlett Bros. Co. Plea of guilty. Fine, $100. (F. D. C. No. 23304. Sample Nos. 30458–H, 48293–H, 72691–H, 72692–H.)

INFORMATION FILED: August 20, 1947, District of Utah, against Hewlett Bros. Co., a corporation, Salt Lake City, Utah.

ALLEGED SHIPMENT: On or about January 13, February 28, and March 14, 1947, from the State of Utah into the States of Colorado, Nevada, and Oregon.

LABEL, IN PART: "Hewlett's Pure Apple Butter."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for apple butter since it had not been concentrated by heat to such a point that its soluble solids content was not less than 43 percent, and since it contained benzoate of soda which is not permitted as an optional ingredient of apple butter.

DISPOSITION: August 29, 1947. A plea of guilty having been entered on behalf of the defendant, a fine of $100 was imposed.

12354. Misbranding of apple butter. U. S. v. Delta County Canning Co. Plea of guilty. Fine, $250. (F. D. C. No. 23235. Sample No. 91506–H.)

INFORMATION FILED: September 3, 1947, District of Colorado, against Delta County Canning Co., a corporation, Delta, Colo.

ALLEGED SHIPMENT: On or about December 11, 1946, from the State of Colorado into the State of Kansas.

LABEL, IN PART: "Town Talk * * * Apple Butter Packed for The Stone-Hall Co. Denver, Colo."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for apple butter since it had not been concentrated by heat to such a point that the soluble solids content of the finished product was not less than 43 percent.

DISPOSITION: October 7, 1947. A plea of guilty having been entered on behalf of the defendant, a fine of $250 was imposed.

VEGETABLES AND VEGETABLE PRODUCTS

12355. Misbranding of canned mixed vegetables. U. S. v. 580 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 23110, 23111. Sample Nos. 90939–H, 90940–H.)

LIBEL FILED: May 9, 1947, District of Maryland.

ALLEGED SHIPMENT: On or about November 4, 1946, by Charles G. Summers, Jr., Inc., from New Freedom, Pa.

PRODUCT: 1,056 cases, each containing 24 1-pound, 4-ounce cans, of mixed vegetables at Baltimore, Md.

LABEL, IN PART: "Royal Clover Brand Mixed Vegetables," and "Charles G. Summers, Jr's, Superfine Brand Mixed Vegetables Special Summer Pack."

NATURE OF CHARGE: Misbranding, Section 403 (a), the vignette of a dish of mixed vegetables which appeared on all can labels was misleading, since it did not depict the true proportion and general appearance of the ingredients which were actually present in the cans; the vignette of a dish of mixed vegetables which appeared on some of the can labels was misleading, since such vignette showed very few carrots, whereas carrots decidedly predominated in the mixture; and the label statement "fancy" appearing on some cans was false and misleading as applied to the article, since it was not of fancy quality, because of the presence of ragged pieces and slivers of vegetables, mature white lima beans, and fibrous green beans.

DISPOSITION: May 22 and June 30, 1947. B. H. Rudo & Brother, Baltimore, Md., and Charles G. Summers, Jr., Inc., claimants, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for relabeling.

12356. Adulteration of canned green beans. U. S. v. 31 Cases * * *. (F. D. C. No. 23398. Sample No. 99589–H.)

LIBEL FILED: August 5, 1947, Southern District of Illinois.

ALLEGED SHIPMENT: On or about April 10, 1946, by Texas Canning Co., Falfurrias, Tex.

PRODUCT: 31 cases, each containing 24 1-pound, 3-ounce cans, of green beans at Quincy, Ill. Examination showed that the product was decomposed.

LABEL, IN PART: "Miss Texas Brand Cut Green [or "Green Stringless"] Beans."

NATURE OF CHARGE: Misbranding, Section 403 (b) (1), the product failed to conform to the definition and standard of identity for canned green beans, since it had not been processed by heat so as to prevent spoilage.

DISPOSITION: September 23, 1947. Default decree of condemnation and destruction.

12357. Misbranding of canned green beans. U. S. v. 376 Cases * * *. (F. D. C. No. 23354. Sample No. 49513–H.)

LIBEL FILED: July 11, 1947, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about September 30, 1946, by Deaf Smith County Food Products, from Hereford, Tex.

PRODUCT: 376 cases, each containing 6 6-pound, 8-ounce cans, of green beans at New Iberia, La.

LABEL, IN PART: "Deaf Smith County Foods Cut Green Beans Packed by Deaf Smith County Food Products Co., Inc. * * * with the unusual Vitamin and Mineral properties of Deaf Smith County Food Products. From the Town without a toothache. Contents of this can were produced in the vicinity of Hereford, Texas, the town known throughout the world because of its almost

entire lack of dental decay. Scientists have attributed this phenomena to the unusually high mineral content of the food and water from this area and regard the dental condition as an index to the general well-being of the individual who consumes food produced in this area."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements were false and misleading (These statements represented and suggested that the article was exceptionally high in vitamin and mineral content and that its use would be effective in preventing dental decay and promoting health. The article did not possess unusual vitamin or mineral content and would not be effective for prevention of dental decay or promotion of health); and, Section 403 (e) (1), the article failed to bear a label containing the place of business of the packer.

DISPOSITION: August 18, 1947. J. S. Brown & Son, New Iberia, La., claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

12358. Misbranding of canned green beans. U. S. v. 296 Cases * * *. (F. D. C. No. 23429. Sample No. 86519-H.)

LIBEL FILED: August 27, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 11, 1947, by the St. James Packing Co., Inc., from Vacherie, La.

PRODUCT: 296 cases, each containing 6 6-pound, 5-ounce cans, of green beans at St. Louis, Mo. Examination showed that the product was decomposed.

LABEL, IN PART: "Little Jan Brand Whole Green Stringless Beans."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned green beans in that the definition and standard provides that for canned green beans the food is sealed in a container and so processed by heat as to prevent spoilage, whereas the article had not been processed by heat so as to prevent spoilage.

DISPOSITION: October 2, 1947. Default decree of condemnation and destruction.

12359. Adulteration of canned Mexican-style beans. U. S. v. 95 Cases, etc. (F. D. C. Nos. 23070, 23071. Sample Nos. 86635-H, 86636-H.)

LIBELS FILED: June 11, 1947, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about November 25, 1946, by the Ladoga Canning Co., from Mound City, Ill.

PRODUCT: 95 cases at Jonesboro, and 75 cases at Paragould, Ark., each case containing 24 cans, of Mexican-style beans.

LABEL, IN PART: (Cans) "Boone County Brand Mexican Style Beans in Chili Gravy, Contents 1 Lb. 4 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained burrs, an added deleterious substance, which may have rendered it injurious to health.

DISPOSITION: July 30, 1947. Default decree of condemnation and destruction.

12360. Adulteration of canned Mexican-style beans. U. S. v. 355 Cases * * *. (F. D. C. No. 22929. Sample No. 76352-H.)

LIBEL FILED: April 24, 1947, Northern District of Florida.

ALLEGED SHIPMENT: On or about January 23, 1947, by Stokely-Van Camp, Inc., from Indianapolis, Ind.

PRODUCT: 355 cases, each containing 24 1-pound, 4-ounce cans, of Mexican-style beans at Pensacola, Fla.

LABEL, IN PART: "Van Camp's Mexican Style Beans in Chile Gravy."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of foreign inedible material such as rocks, woody plant stalks, and thorny burrs.

DISPOSITION: May 27, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed or disposed of as hog feed.

12361. Adulteration of canned beans with pork. U. S. v. 248 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 23037, 23038. Sample Nos. 73680–H, 73682–H.)

LIBELS FILED: May 20, 1947, Southern District of Ohio.

ALLEGED SHIPMENT: On or about March 18, 1947, by Stokley-Van Camp, Inc., from New Bedford, Mass.

PRODUCT: 398 cases, each containing 24 1-pound, 1¾-ounce cans, of beans with pork at Columbus, Ohio.

LABEL, IN PART: "Van Camp's New England Style California Pea Beans with Pork and Molasses Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of rancid pork.

DISPOSITION: June 27, 1947. Default decrees entered. Product ordered delivered to a public institution for use as stock feed.

12362. Misbranding of canned lima beans. U. S. v. 161 Cases * * *. (F. D. C. No. 23433. Sample No. 71334–H.)

LIBEL FILED: September 2, 1947, Southern District of California.

ALLEGED SHIPMENT: On or about January 22, 1947, by D. E. Foote and Co., from Baltimore, Md.

PRODUCT: 161 cases, each containing 24 1-pound, 4-ounce cans, of lima beans at Los Angeles, Calif.

LABEL, IN PART: "Family Brand Cooked. Dry Butter Beans Prepared from Selected Large Lima Beans".

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Cooked Dry Butter Beans Prepared from Selected Large Lima Beans" and the design of a dish of large whole butter beans were false and misleading as applied to the article which consisted of dried baby lima beans of which approximately 25 percent were broken.

DISPOSITION: October 27, 1947. Default decree of condemnation. Product ordered delivered to a charitable institution.

12363. Adulteration of bulk shelled corn. U. S. v. 50,050 Pounds, etc. (F. D. C. No. 23029. Sample No. 20643–H.)

LIBEL FILED: May 14, 1947, Southern District of Iowa.

ALLEGED SHIPMENT: On or about April 16, 1947, by Leo Rush, from Hubbard, Nebr.

PRODUCT: 118,250 pounds of bulk shelled corn at Council Bluffs, Iowa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of dirty and moldy corn.

DISPOSITION: July 11, 1947. Leo Rush, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be disposed of in compliance with the law, under the supervision of the Food and Drug Administration.

12364. Adulteration of dried mushrooms. U. S. v. 2 Cases * * *. (F. D. C. Nos. 22987, 22988. Sample Nos. 82229–H, 82230–H.)

LIBEL FILED: April 24, 1947, Western District of Washington.

ALLEGED SHIPMENT: On or about February 24, 1947, by Martel Food Corporation, from New York, N. Y.

PRODUCT: 2 cases, each containing 12 5-pound cans, of dried mushrooms at Seattle, Wash.

LABEL, IN PART: "Martel Brand Dried Mushrooms".

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of filthy and decomposed substances by reason of being insect-infested and moldy.

DISPOSITION: June 20, 1947. Default decree of condemnation and destruction.

12365. Adulteration of canned mustard greens. U. S. v. 234 Cases * * *. (F. D. C. No. 23414. Sample No. 76730–H.)

LIBEL FILED: August 14, 1947, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about July 9, 1945, by the E. L. Peterson Canning Co., from Sallisaw, Okla.

PRODUCT: 234 cases, each containing 6 6-pound, 2-ounce cans, of mustard greens at New Iberia, La. Examination showed that the product contained aphids and thrips.

LABEL, IN PART: "El-Pete Mustard Greens."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: October 23, 1947. Default decree of condemnation and destruction.

12366. Adulteration of canned mustard greens. U. S. v. 111 Cases * * *. (F. D. C. No. 23065. Sample No. 76362–H.)

LIBEL FILED: June 6, 1947, Northern District of Texas.

ALLEGED SHIPMENT: On or about November 25, 1946, by the Fresh-O Canning Co., from Haskell, Okla.

PRODUCT: 111 cases, each containing 24 1-pound, 2-ounce cans, of mustard greens at Waxahachie, Tex.

LABEL, IN PART: "Fresh-O Brand Mustard Greens."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of aphids and larvae.

DISPOSITION: July 22, 1947. Default decree of condemnation and destruction.

12367. Adulteration of canned turnip greens. U. S. v. 71 Cases * * *. (F. D. C. No. 23026. Sample No. 35818–H.)

LIBEL FILED: May 9, 1945, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about March 13, 1947, by the Cass County Canning Company, from Atlanta, Tex.

PRODUCT: 71 cases, each containing 24 1-pound, 2-ounce cans, of turnip greens at Morrilton, Ark.

LABEL, IN PART: "Atex Brand Fancy Turnip Greens."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of aphids.

DISPOSITION: June 11, 1947. Default decree of condemnation. Product ordered delivered to a charitable institution for use as animal feed.

12368. Adulteration of canned field peas. U. S. v. Georgia Canning Company, Inc. Plea of nolo contendere. Fine, $500. (F. D. C. No. 23277. Sample Nos. 1678–H, 54574–H, 54581–H, 54591–H.)

INFORMATION FILED: July 7, 1947, Middle District of Georgia, against the Georgia Canning Co., Inc., Wayside, Ga.

ALLEGED SHIPMENT: On or about July 25 and August 21 and 31, 1946, from the State of Georgia into the States of North Carolina, South Carolina, and Tennessee.

LABEL, IN PART: "Pine Cone Brand Field Peas * * * Albert W. Sisk and Son Distributors Not Manufacturers Preston, Md. and Aberdeen, Md." and "Shaver's Brand Young Tender Field Peas * * * Packed in U. S. A. by Georgia Canning Co., Wayside, Ga."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: On October 20, 1947. A plea of nolo contendere having been entered, the court imposed a fine of $500.

12369. Adulteration of canned peas. U. S. v. Rocky Mountain Packing Corporation. Plea of guilty. Fine, $50. (F. D. C. No. 23309. Sample No. 62635–H.)

INFORMATION FILED: July 28, 1947, District of Utah, against the Rocky Mountain Packing Corporation, Manti, Utah.

ALLEGED SHIPMENT: On or about September 19, 1946, from the State of Utah into the State of California.

LABEL, IN PART: "Naturipe Brand Sugar Peas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of weevils in the larva stage.

DISPOSITION: August 29, 1947. A plea of guilty having been entered on behalf of the corporation, a fine of $50 was imposed.

Nos. 12370 to 12373 report actions involving canned peas that purported to be a food for which a standard of quality has been prescribed by law, but the quality was charged to fall below the standard because of higher alcohol-insoluble solids than the maximum permitted by the standard, and the labels failed to bear, in the manner and form that the regulations specify, a statement that the product was below the standard.

12370. Misbranding of canned peas. U. S. v. Oostburg Canning Co. Plea of guilty. Fine, $500. (F. D. C. No. 23315. Sample Nos. 14931–H, 35609–H.)

INFORMATION FILED: On or about August 4, 1947, Eastern District of Wisconsin, against the Oostburg Canning Co., a corporation, Oostburg, Wis.

ALLEGED SHIPMENT: On or about August 17, 1945, and August 7, 1946, from the State of Wisconsin into the States of Missouri and Illinois.

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard.

DISPOSITION: October 27, 1947. A plea of guilty having been entered, the court imposed a fine of $500.

12371. Misbranding of canned peas. U. S. v. 617 Cases * * *. (F. D. C. No. 22742. Sample Nos. 64945–H, 64946–H.)

LIBEL FILED: March 27, 1947, District of Connecticut.

ALLEGED SHIPMENT: On or about September 16, 1946, by the Model City Canning Company, Inc., from Modeltown, N. Y.

PRODUCT: 617 cases, each containing 24 1-pound, 4-ounce cans, of peas at Hartford, Conn.

LABEL, IN PART: "Model City Blue Brand Sweet Garden Peas," or "Monteagle Brand Standard Quality Sweet Peas * * * Packed by Tugwell & Wiseman, Modeltown, Niagara Co., N. Y."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was substandard in quality.

DISPOSITION: June 25, 1947. Model City Canning Company, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

12372. Misbranding of canned peas. U. S. v. 396 Cases * * *. (F. D. C. No. 23343. Sample Nos. 69953–H, 69954–H.)

LIBEL FILED: July 3, 1947, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about October 28, 1946, by Mineral Point Foods, Inc., from Mineral Point, Wis.

PRODUCT: 396 cases, each containing 24 1-pound, 4-ounce cans, of peas at Detroit, Mich.

LABEL, IN PART: "Good Meal Brand Wisconsin Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard.

DISPOSITION: September 11, 1947. Mineral Point Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

12373. Misbranding of canned peas. U. S. v. 198 Cases * * *. (F. D. C. No. 23093. Sample No. 68883–H.)

LIBEL FILED: July 1, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 5, 1946, by Fredonia Canned Foods, Inc., from Fredonia, Wis.

PRODUCT: 198 cases, each containing 24 1-pound, 4-ounce cans, of peas at Chicago, Ill.

LABEL, IN PART: "Waubeka Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: October 17, 1947. Default decree of condemnation. Product ordered delivered to a public institution for use as animal food, or destroyed.

12374. Misbranding of canned black-eyed peas. U. S. v. 260 Cases * * *. (F. D. C. No. 23067. Sample No. 76648–H.)

LIBEL FILED: June 13, 1947, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about December 30, 1946, by the Harlingen Canning Co., from Harlingen, Tex.

PRODUCT: 260 cases, each containing 24 cans, of black-eyed peas at New Orleans, La. Examination showed that the product was decomposed.

LABEL, IN PART: (Cans) "Silver Valley Brand Net Weight 1 Lb. 4 Ozs. Fresh Green Shelled Black-Eyed Peas."

NATURE OF CHARGE: Misbranding, Section 403 (e) (1), the article failed to conform to the definition and standard of identity for canned black-eyed peas, since it had not been processed by heat so as to prevent spoilage.

DISPOSITION: July 28, 1947. Default decree of condemnation and destruction.

12375. Adulteration of dill pickles. U. S. v. 18 Cases * * *. (F. D. C. No. 23013. Sample No. 6547–H.)

LIBEL FILED: May 9, 1947, Northern District of New York.

ALLEGED SHIPMENT: On or about March 4, 1947, by Bertman Products, from Cleveland, Ohio.

PRODUCT: 18 cases, each containing 12 32-ounce jars, of dill pickles at Syracuse, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and larvae.

DISPOSITION: June 10, 1947. Default decree of condemnation and destruction.

12376. Adulteration of Kosher-style pickles. U. S. v. 298 Cases * * *. (F. D. C. No. 23390. Sample No. 88922–H.)

LIBEL FILED: August 1, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about September 4, 1946, by Belmont Packing Co., from New York, N. Y.

PRODUCT: 298 cases, each containing 12 1-quart jars, of Kosher-style pickles at Denver, Colo.

LABEL, IN PART: "Rainbow Brand Kosher Style Pickles."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of grit.

DISPOSITION: September 25, 1947. Default decree of condemnation and destruction.

12377. Adulteration of soybeans. U. S. v. 34 Bags * * *. (F. D. C. No. 23025. Sample No. 70743–H.)

LIBEL FILED: May 9, 1947, Southern District of California.

ALLEGED SHIPMENT: On or about March 12, 1947, by Hawaii Grocers, from Hilo, T. H.

PRODUCT: 34 100-pound bags of soybeans at Wilmington, Calif. Examination showed that the article contained insects and rodent excreta.

LABEL, IN PART: "Wilson Black Soybeans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: June 19, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12378. Misbranding of potato chips. U. S. v. 25 Cartons * * *. (F. D. C. No 22924. Sample No. 42138–H.)

LIBEL FILED: April 14, 1947, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about March 24, 1947, by Buckeye Foods, Inc., from Columbus, Ohio.

PRODUCT: 25 cartons, each containing 18 8-ounce boxes, of potato chips at Fairmont, W. Va.

LABEL, IN PART: "Buckeye Potato Chips Net Weight 8 Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container of the article was so filled as to be misleading, since the boxes were large enough to hold at least 2 more ounces of potato chips.

DISPOSITION: May 14, 1947. Default decree of condemnation and destruction.

12379. Adulteration of canned spinach. U. S. v. 205 Cases * * *. (F. D. C. No. 23011. Sample No. 91632–H.)

LIBEL FILED: April 30, 1947, District of Utah.

ALLEGED SHIPMENT: On or about August 16, 1946, by the Bentonville Canning Co., from Bentonville, Ark.

PRODUCT: 205 cases, each containing 24 1-pound, 2-ounce cans, of spinach at Salt Lake City, Utah.

LABEL, IN PART: "Sallisaw Brand Spinach * * * Packed by Sallisaw Canning Co., Sallisaw, Okla."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of inedible material such as pieces of wood, string, and blades of grass.

DISPOSITION: June 13, 1947. Default decree of destruction.

NUTS

12380. Adulteration of shelled runner peanuts. U. S. v. 218 Bags * * *. (F. D. C. No. 22808. Sample No. 77358–H.)

LIBEL FILED: April 2, 1947, Northern District of Iowa.

ALLEGED SHIPMENT: On or about May 1, 1946, by the Southern Cotton Oil Co., from Tifton, Ga.

PRODUCT: 218 125-pound bags of shelled runner peanuts at Cedar Rapids, Iowa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-damaged nuts, dead insects, excreta, and cast skins.

DISPOSITION: April 21, 1947. Witwer Grocer Co., Cedar Rapids, Iowa, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the fit portion be segregated and the unfit portion be destroyed or converted into animal feed or otherwise brought into compliance with the law, under the supervision of the Food and Drug Administration.

12381. Adulteration of pecan meats. U. S. v. 53 Cartons * * *. (F. D. C. No. 23193. Sample No. 65787–H.)

LIBEL FILED: June 12, 1947, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 12, 1947, by the Haygood Pecan Company, from Lexington, S. C.

PRODUCT: 53 30-pound cartons of pecan meats at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presense of *E. coli.*

DISPOSITION: July 16, 1947. Default decree of condemnation and destruction.

12382. Adulteration of pecan meats. U. S. v. 15 Cartons * * *. (F. D. C. No. 22875. Sample No. 69749–H.)

LIBEL FILED: April 30, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about February 3, 1947, by Alex Pecan Co., from Douglas, Ga.

PRODUCT: 15 cartons, each containing 60 pounds, of pecan meats at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of *E. coli;* and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 15, 1947. Default decree of condemnation and destruction.

12383. Adulteration of pecan meats. U. S. v. 29 Cases * * *. (F. D. C. No. 22952. Sample No. 90618–H.)

LIBEL FILED: April 22, 1947, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about February 19, 1947, by the Acker Pecan & Produce Co., from Albany, Ga.

PRODUCT: 29 30-pound cases of pecan meats at Norfolk, Va.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of *E. coli;* and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 16, 1947. L. D. Acker, Albany, Ga., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reprocessing and cleansing, under the supervision of the Food and Drug Administration.

12384. Adulteration of black walnut kernels. U. S. v. 68 Cartons * * *. (F. D. C. No. 22866. Sample Nos. 69401–H, 69402–H.)

LIBEL FILED: On or about May 6, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 10 and February 15, 1947, by Lefkovits-Fleisman Co., Nashville, Tenn.

PRODUCT: 68 50-pound cartons of black walnut kernels at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in port of a filthy substance by reason of the presence of *E. coli;* and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 2, 1947. Lefkovits-Fleisman Co., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

OILS AND FATS

12385. Adulteration and misbranding of olive oil. U. S. v. 319 Cans * * *. (F. D. C. No. 22766. Sample Nos. 59973–H, 61314–H.)

PRODUCT: March 20, 1947, Western District of Pennsylvania.

ALLEGED SHIPMENT: During the latter part of October 1946, by Dominick Tini (or Tine), also known as Caprini or Batrini, and Jimmie, from New York, N. Y.

PRODUCT: 319 1-gallon cans of olive oil at Pittsburgh, Pa.

LABEL, IN PART: "Extra Fine Olive Oil Colomba Brand."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), artifically colored soybean oil had been substituted in whole or in part for olive oil; and, Section 402 (b) (4), artificial color had been added to the article and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a) the label statements "Extra Fine Olive Oil. This oil is guaranteed to be absolutely pure under any chemical analysis" (similar statements in Italian), were false and misleading as applied to artifically colored soybean oil; and, Section 403 (b), the article was offered for sale under the name of another food, olive oil.

DISPOSITION: April 7, 1947. D. Kart and Son, Pittsburgh, Pa., claimants, having admitted the allegations of the libel, judgment was entered ordering the product released under bond, conditioned that it be disposed of to a manufacturer of soap, under the supervision of the Food and Drug Administration.

12386. Adulteration and misbranding of olive oil. U. S. v. 30 Cases * * *. (F. D. C. No. 22931. Sample No. 54932–H.)

LIBEL FILED: April 17, 1947, Northern District of Georgia.

ALLEGED SHIPMENT: On or about March 19, 1947, by Capital Food Co., from Washington, D. C.

PRODUCT: 12 cases of 24 2-ounce bottles, 6 cases of 36 4-ounce bottles, 8 cases of 12 8-ounce bottles, and 4 cases of 12 16-ounce bottles, of olive oil at Atlanta, Ga.

LABEL, IN PART: "Capitol Brand * * * Capital Olive Oil Co. [or "Capital Food Co."]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of peanut oil and other oils had been substituted for olive oil, which the product was represented to be.

Misbranding, Section 403 (a), the label statements "Pure Virgin Imported Olive Oil" and "Imported Olive Oil" were false and misleading.

DISPOSITION: May 26, 1947. D. F. Antonelli and E. Torina, trading as Capital Food Co., Washington, D. C., claimants, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled, under the supervision of the Food and Drug Administration.

12387. Adulteration and misbranding of olive oil. U. S. v. 68 Bottles * * *. (F. D. C. No. 22920. Sample Nos. 90324–H, 90325–H, 90966–H.)

LIBEL FILED: April 9, 1947, District of Columbia.

ALLEGED SHIPMENT: The article was held for sale by Calvert Super Market, Washington, D. C.

PRODUCT: 9 16-ounce bottles and 59 8-ounce bottles of olive oil at Washington, D. C.

LABEL, IN PART: "Capitol Brand Imported Olive Oil Capital Olive Oil Co. Washington, D. C. 16 Oz. [or "Capital Food Co. Washington, D. C. 8 Oz."]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), (9-bottle lot) an article consisting essentially of corn oil had been substituted in whole or in part for olive oil.

Misbranding, Section 403 (a), (9-bottle lot) the label designation "Imported Olive Oil" was false and misleading; and, Section 403 (e) (2), (59-bottle lot) the label of the article failed to contain an accurate statement of the quantity of contents. (The article was short-volume.)

DISPOSITION: July 8, 1947. Default decree of condemnation. Product ordered delivered to a local public hospital.

12388. Adulteration and misbranding of Saladola. U. S. v. 8 Cases, etc. Default decree of condemnation and destruction. (F. D. C. No. 22316. Sample Nos. 74008–H, 74009–H.)

LIBEL FILED: February 28, 1947, District of New Hampshire.

ALLEGED SHIPMENT: On or about September 17, 1946, by Mercantile Food Products Co., from Boston, Mass.

PRODUCT: 8 cases, each containing 12 quart bottles, 7 cases, each containing 24 pint bottles, of Saladola at Manchester, N. H.

LABEL, IN PART: (Bottles) "Saladola Brand Pure Mineral Oil A Non-Fattening Oil (Certified Food Color Added) For the preparation of non-fattening, non-nutritive, and low calorie Dressings for Salads * * * Try this French Dressing today."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), artificial color had been added to mineral oil so as to make it appear to be salad oil, which is better and of greater value than the article.

Misbranding, Section 403 (a), the label designation "Saladola" was false and misleading since it represented and suggested that the article was salad oil, whereas it was not salad oil; Section 403 (a), the label statement "French Dressing" created the false and misleading impression that french dressing could be made with the article; and, Section 403 (a), the labeling of the article was misleading. The statement "for the preparation of non-fattening, non-nutritive, and low calorie dressings for salads," coupled with the directions for use, represented to purchasers of the article that it was wholesome and suitable for use as a substitute for food oils in preparing salads. The article was colored mineral oil and its labeling failed to reveal the material fact that the

substitution of mineral oil for food oils in preparing salads might be harmful and might have a deleterious effect.

DISPOSITION: April 11, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12389. Adulteration and misbranding of Saladola. U. S. v. 2 Cases * * *. (F. D. C. No. 22933. Sample No. 74493–H.)

LIBEL FILED: April 17, 1947, District of Massachusetts.

ALLEGED SHIPMENT: On or about February 28, 1947, by I. Pedliken, from Providence, R. I. This was a return shipment.

PRODUCT: 2 cases, each containing 24 1-pint bottles, of Saladola at Fall River, Mass. Analysis showed that the product was artificially colored mineral oil.

LABEL, IN PART: "Saladola Brand A Non-fattening Oil Pure Mineral Oil (Certified Food Color Added) This oil is for the preparation of non-fattening, non-nutritive, and low calorie Dressings for salads Packer Merchantile Food Products Co. Boston, Mass. * * * Try this French Dressing Today!"

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), artificial color had been added to mineral oil so as to make it appear to be salad oil, which is better and of greater value.

Misbranding, Section 403 (a), the label designation "Saladola" was false and misleading since it represented and suggested that the product was salad oil, and the label statement "French Dressing" was false and misleading since it falsely represented and suggested that french dressing could be made with the article. The label was misleading also since the label statement "for the preparation of non-fattening, non-nutritive, and low calorie Dressings for salads," coupled with the directions for use, represented to purchasers that the article was wholesome and suitable for use as a substitute for food oils in preparing salads, whereas the labeling failed to reveal the material fact that the substitution of mineral oil for food oil in preparing salads may be harmful and may have a deleterious effect.

DISPOSITION: June 16, 1947. No claimant having appeared, judgment of condemnation was entered and product was ordered destroyed.

12390. Adulteration of Saladola. U. S. v. 20 Bottles * * *. (F. D. C. No. 22935. Sample No. 74494–H.)

LIBEL FILED: April 17, 1947, District of Massachusetts.

ALLEGED SHIPMENT: On or about February 11, 1947, by Stop & Shop, from East Providence, R. I. This was a return shipment.

PRODUCT: 20 quart bottles of Saladola at Fall River, Mass.

LABEL, IN PART: "Saladola Brand Pure Mineral Oil A Non-Fattening Oil (Certified Food Color Added) For the preparation of non-fattening non-nutritive, and low calorie Dressings for Salads Packer Mercantile Food Products Co. Boston, Mass. * * * Try This French Dressing Today!"

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), artificial color had been added to mineral oil so as to make it appear to be salad oil.

Misbranding, Section 403 (a), the designation "Saladola" on the label was false and misleading since it represented and suggested that the product was salad oil; the label statement "French Dressing" was false and misleading since it falsely represented and suggested that french dressing could be made with the article. The labeling was misleading also in that the statement "for the preparation of nonfattening, nonnutritive and low-calorie dressings for salads," coupled with directions for use, represented to the purchaser that the product was wholesome and suitable for use as a substitute for food oils in preparing salads, whereas the article was colored mineral oil and its labeling failed to reveal the material fact that the substitution of mineral oil for food oils in preparing salads may be harmful and may have a deleterious effect.

DISPOSITION: June 16, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12391. Misbranding of mayonnaise. U. S. v. 314 Cases * * *. (F. D. C. No. 22809. Sample No. 54423–H.)

LIBEL FILED: April 2, 1947, Middle District of Georgia.

ALLEGED SHIPMENT: On or about December 12 and 30, 1946, by the Chef-King's Food Products Co., from Anniston, Ala.

PRODUCT: 314 cases, each containing 12 1-pint jars, of mayonnaise at Macon, Ga.

LABEL, IN PART: "One Pint Chef-King's Brand Mayonnaise."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of contents, since the label statement "One Pint" was inaccurate. (The product was short-volume.)

DISPOSITION: April 28, 1947. Cantrall Churngold Products Company, Macon, Ga., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled to show the correct volume of the container, under the supervision of the Federal Security Agency.

12392. Misbranding of french dressing. U. S. v. 94 Cases * * *. (F. D. C. No. 22649. Sample No. 73505–H.)

LIBEL FILED: March 20, 1947, Northern District of Ohio.

ALLEGED SHIPMENT: On or about November 20, 1946, by the Montell Co., Inc., from Cambridge, Md.

PRODUCT: 94 cases, each containing 48 bottles, of french dressing at Cleveland, Ohio. Examination showed that the product was short-volume.

LABEL, IN PART: "Montell Brand French Dressing—Contents 6 Fluid Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the label of the article failed to bear an accurate statement of the quantity of contents.

DISPOSITION: April 10, 1947. The Montell Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the bottles be repacked, refilled, and properly labeled, under the supervision of the Food and Drug Administration.

12393. Adulteration of salad dressing. U. S. v. 2,047 Cases * * *. (F. D. C. No. 23524. Sample No. 74027–H.)

LIBEL FILED: July 28, 1947, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 25 and May 7, 1947, by Reid, Murdoch & Co., from Los Angeles, Calif., and Baltimore, Md. These were return shipments.

PRODUCT: 2,047 cases, each containing 24 8-ounce jars, of salad dressing at Quincy, Mass.

LABEL, IN PART: "Yacht Club * * * Salad Dressing."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of being rancid.

DISPOSITION: October 6, 1947. Default decree of condemnation and destruction.

12394. Adulteration of salad dressing. U. S. v. 105 Pint Jars, etc. (F. D. C. No. 22815. Sample No. 77427–H.)

LIBEL FILED: April 3, 1947, Southern District of Illinois.

ALLEGED SHIPMENT: On or about March 6 and 13, 1947, by Beck's Mayonnaise Products, from Davenport, Iowa.

PRODUCT: 105 pint jars and 21 quart jars of salad dressing at Rock Island, Ill.

LABEL, IN PART: "Beck's Pure U. S. P. Mineral Oil Non-Nutritive Dressing for Salads".

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained added mineral oil, a deleterious substance, which might have rendered it injurious to health.

DISPOSITION: April 29, 1947. Default decree of condemnation and destruction.

12395. Misbranding of shortening. U. S. v. 10 Cases * * *. (F. D. C. No. 23138. Sample No. 54847–H.)

LIBEL FILED: May 21, 1947, Southern District of Georgia.

ALLEGED SHIPMENT: On or about March 13, 1947, by the Lookout Oil and Refining Co., from Jacksonville, Fla.

PRODUCT: 10 cases, each containing 48 cartons, of vegetable shortening at Savannah, Ga.

LABEL, IN PART: "One Pound Net Domino Shortening."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of contents. (The product was short-weight.)

DISPOSITION: June 17, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

MISCELLANEOUS FOOD PRODUCTS

12396. Misbranding of gelatin dessert powder. U. S. v. 35 Cases * * *. (F. D. C. No. 22660. Sample Nos. 52497–H, 52498–H.)

LIBEL FILED: February 28, 1947, Southern District of Ohio.

ALLEGED SHIPMENT: On or about February 6, 1947, by the Midwest Food Distributing Co., from Chicago, Ill.

PRODUCT: 35 cases of gelatin dessert powder at Cincinnati, Ohio. Each case contained 48 1½- or 3-ounce packages of the product.

LABEL, IN PART: "Carmel Kosher Gel-Dessert."

NATURE OF CHARGE: Misbranding, (1½-ounce size) Section 403 (a), the label designation "Gel-Dessert" was misleading, since the label failed to reveal, with equal conspicuousness, that the purchaser must supply the sugar in order to make a finished dessert; Section 403 (d), (both sizes) the containers of the articles were so filled as to be misleading since the packages of 1½-ounce size could have held over twice the amount, and the packages of 3-ounce size could have held almost twice the amount, of gelatin dessert powder contained therein and both size packages appeared to hold more of the product than was contained in them; and, Section 403 (k), (both sizes) the article contained artificial coloring and failed to bear labeling stating that fact, since the statement "U. S. Certified Fruit Colors" was not a declaration of the presence of artificial color. The colors used were not derived from fruit but were coal-tar colors.

DISPOSITION: April 28, 1947. Default decree of condemnation. Product ordered delivered to a charitable institution.

12397. Adulteration of bubble gum. U. S. v. 25 Boxes * * *. (F. D. C. No. 23403. Sample No. 71557–H.)

LIBEL FILED: August 8, 1947, Southern District of California.

ALLEGED SHIPMENT: On or about April 15 and May 5, 1947, by Andrew J. Paris Import Sales Co., from McAllen, Tex.

PRODUCT: 25 boxes, each containing 120 pieces, of bubble gum at Oceanside, Calif.

LABEL, IN PART: "Paris Bubble Gum * * * Made in Mexico."

NATURE OF CHARGE: Adulteration, Section 402 (c), the product contained D&C Red No. 19, a coal-tar color that had not been listed for use in food in accordance with the regulations, and was other than one from a batch that had been certified.

DISPOSITION: October 24, 1947. Default decree of condemnation and destruction.

12398. Adulteration and misbranding of coal-tar color. U. S. v. 2 Cans * * *. (F. D. C. No. 22922. Sample No. 64677–H.)

LIBEL FILED: April 14, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about February 7, 1947, by the Bates Chemical Company, from Lansdowne, Pa.

PRODUCT: 2 25-pound cans of coal-tar color at New York, N. Y.

LABEL, IN PART: "FD&C Red #1 (Ponceau 3R) Lot No. C4673."

NATURE OF CHARGE: Adulteration, Section 402 (c), the article contained a coal-tar color other than one from a batch that had been certified in accordance with regulations.

Misbranding, Section 403 (a), the label statements "Lot No. C4673 * * * This Certified Dye * * * Certified Food Colors" were false and mislead-

ing since the product was not a certified coal-tar color. (This product contained not more than 87 percent of pure dye and not less than 5.5 percent of salt, while the color certified under lot number C4673 consisted of a coal-tar color containing 92.7 percent of dye and 2.7 percent of salt.)

DISPOSITION: May 5, 1947. Default decree of condemnation and destruction.

12399. Adulteration of egg color and red color. U. S. v. 15 Pint Bottles, etc. (F. D. C. No. 22374. Sample Nos. 81802–H, 81803–H.)

LIBEL FILED: January 14, 1947, Eastern District of Washington.

ALLEGED SHIPMENT: On or about January 18, 1946, by Smith-Junior Co., Inc., from Rochester, N. Y.

PRODUCT: 15 pint bottles of egg color and 24 pint bottles and 24 quart bottles of red color at Spokane, Wash. Examination showed that the egg color contained Tartrazine FD&C Yellow No. 5, and that the red color contained Amaranth, FD&C Red No. 1, coal-tar colors which are certifiable but which were not certified in accordance with the regulations.

LABEL, IN PART: "Smith-Junior Egg Color," and "Smith-Junior Red Color."

NATURE OF CHARGE: Adulteration, Section 402 (c), the articles contained coal-tar colors other than those from batches certified in accordance with regulations.

DISPOSITION: March 24, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12400. Adulteration and misbranding of Anti-Skipper compound. U. S. v. 3 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 22900, 23122. Sample Nos. 53874–H, 55119–H.)

LIBELS FILED: On or about April 4 and May 27, 1947, Middle District of Tennessee and Northern District of Georgia.

ALLEGED SHIPMENT: On or about February 3 and 24, 1947, by the Hamilton-Bacon-Hamilton Co., Inc., from Bristol, Va.

PRODUCT: Anti-Skipper compound. 3 cases, each containing 48 7-ounce cans, at Nashville, Tenn., and 11 cases, each containing 24 7-ounce cans, at Griffin, Ga.

LABEL, IN PART: (Can) "Bacon's Famous Brand Anti-Skipper Compound * * * Bacon Manufacturing Co., Bristol, Va.-Tenn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained an added poisonous and deleterious substance, borax, which may have rendered it injurious to health.

Misbranding, Section 403 (a), the following label statements were misleading since they represented and suggested that the article might safely be used, whereas such use would be potentially dangerous to the health of the consumer: "Anti-Skipper Compound * * * to Prevent Skippers on Cured Meats * * * Bacon's Anti-Skipper Compound when used according to directions will prevent skippers in your meat during the entire year * * * contains enough Bacon's Anti-Skipper Compound to treat about 300 pounds of meat."

DISPOSITION: July 24 and August 15, 1947. Default decrees of condemnation and destruction.

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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

12401–12600

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

OSCAR R. EWING, *Administrator, Federal Security Agency.*

WASHINGTON, D. C., *April 30, 1948.*

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BEVERAGES AND BEVERAGE MATERIALS*

12401. Adulteration of frozen cherry juice. U. S. v. 72 Barrels * * *. (F. D. C. No. 24399. Sample No. 28020–K.)

LIBEL FILED: January 8, 1948, District of Colorado.

ALLEGED SHIPMENT: On or about November 22, 1947, by George W. Haxton & Son, from New Orleans, La.

PRODUCT: 72 barrels, each containing 400 pounds, of frozen cherry juice at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance; Section 402 (b) (2), water had been substituted in part for cherry juice; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality and strength.

DISPOSITION: January 19, 1948. Ambrose & Company, Denver, Colo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into brandy, under the supervision of the Federal Security Agency.

*See also No. 12518.

788790—48——1

12402. Adulteration and misbranding of grape juice. U. S. v. 70 Cases, etc. (F. D. C. No. 23496. Sample No. 87778–H.)

LIBEL FILED: July 10, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about June 11, 1947, by Aunt Lil's Food Products, Inc., from Utica, N. Y.

PRODUCT: 20 1-quart bottles and 70 cases, each case containing 24 1-pint bottles, of grape juice at Jersey City, N. J. Examination showed that the product contained added water and was short-volume.

LABEL, IN PART: "Grape Valley Pasteurized Concord Grape Juice Sugar Added Contents One Pint [or "Contents One Quart"]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for grape juice; and, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk and reduce its quality and strength.

Misbranding, Section 403 (a), the label statement "Concord Grape Juice Sugar Added" was false and misleading as applied to the article, which contained added water; Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient, since water was not declared.

DISPOSITION: September 8, 1947. Default decree of condemnation. The product was ordered delivered to charitable organizations.

12403. Adulteration of canned orange juice and orange and grapefruit juice. U. S. v. DeSoto Canning Co. Plea of nolo contendere. Fine, $500. (F. D. C. No. 24048. Sample Nos. 68483–H, 68484–H, 68488–H.)

INFORMATION FILED: December 3, 1947, Southern District of Florida, against the DeSoto Canning Co., a corporation, Arcadia, Fla.

ALLEGED SHIPMENT: On or about April 15, 1947, from the State of Florida into the State of Missouri.

LABEL, IN PART: "Pony Express * * * Orange and Grapefruit [or "Orange"] Juice—The Dolan Mercantile Co. Distributors, St. Joseph, Mo."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of fly eggs, maggots, and fruit flies.

DISPOSITION: December 16, 1947. A plea of nolo contendere having been entered on behalf of the defendant, a fine of $500 was imposed.

12404. Adulteration of canned orange and grapefruit juice. U. S. v. Sasson-King, Ltd. Plea of nolo contendere. Fine, $500. (F. D. C. No. 23622. Sample Nos. 87612–H, 91374–H, 91385–H.)

INFORMATION FILED: November 24, 1947, Southern District of Florida, against Sasson-King, Ltd., a partnership, Lakeland, Fla.

ALLEGED SHIPMENT: On or about April 14 and 23, 1947, from the State of Florida into the States of Connecticut and New York.

LABEL, IN PART: "Lady Jean [or "Golden Harvest"] Blended Orange and Grapefruit Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of fly eggs and maggots.

DISPOSITION: December 16, 1947. A plea of nolo contendere having been entered, a fine of $500 was imposed.

12405. Misbranding of canned orange juice. U. S. v. 54 Cases * * *. (F. D. C. No. 21369. Sample No. 40918–H.)

LIBEL FILED: October 29, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about April 6, 1946, by the William P. McDonald Corp., from Auburndale, Fla.

PRODUCT: 54 cases, each containing 24 1-pint, 2-fluid-ounce cans, of orange juice at St. Louis, Mo.

LABEL, IN PART: "Tom-Boy 'flavor plus' Unsweetened Orange Juice From Sunny California."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "From Sunny California" was false and misleading as applied to an article packed in Florida.

DISPOSITION: November 21, 1946. Tom Boy Stores, Inc., St. Louis, Mo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.

12406. Adulteration of lemon and lime fountain sirup. U. S. v. 5 Cases * * *. (F. D. C. No. 24211. Sample No. 12419–K.)

LIBEL FILED: December 31, 1947, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 30, 1947, by the Trufruit Syrup Corp., from Brooklyn, N. Y.

PRODUCT: 5 cases, each containing 4 1–gallon jugs, of lemon- and lime-flavored sirup at Philadelphia, Pa.

LABEL, IN PART: "Trufruit Fountain Syrup Contents 100 Ozs. * * * Lemon & Lime Flavor Syrup Ingredients: Cane Sugar Syrup, Maltose, Dextrin, Dextrose, Citric Juices and Oils, U. S. Certified Food Color and Citric Acid Added. Preserved with 1/10 of 1% Benzoate of Soda."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article containing saccharin had been substituted in whole or in part for beverage sirup containing sugar.

DISPOSITION: February 9, 1948. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12407. Adulteration of tomato juice and tomato puree. U. S. v. Charles H. Reagan (Reagan Canning Co.). Plea of guilty. Fine, $300. (F. D. C. No. 21527. Sample Nos. 39925–H, 51261–H, 51262–H, 67311–H.)

INFORMATION FILED: April 2, 1947, Southern District of Texas, against Charles H. Reagan, trading as the Reagan Canning Co., McAllen, Tex.

ALLEGED SHIPMENT: On or about June 19, 22, and 25, 1946, from the State of Texas into the States of Arkansas, Minnesota, and Missouri.

LABEL, IN PART: "Tomato Puree [or "Tomato Juice"] Reagan's Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of decomposed substances, i. e., moldy and decomposed tomato tissues, and in addition, they consisted in part of filthy substances by reason of the presence of fly eggs and maggots.

DISPOSITION: May 6, 1947. A plea of guilty having been entered, the court imposed fines of $100 on each of counts 1 and 2 of the information and $50 on each of counts 3 and 4, a total of $300.

12408. Adulteration of tomato juice. U. S. v. Richmond-Chase Company, a Corporation, and Leon W. Dierkes. Pleas of nolo contendere. Each defendant fined $50. (F. D. C. No. 21559. Sample No. 29889–H.)

INFORMATION FILED: March 5, 1947, Northern District of California, against the Richmond-Chase Co., San Jose, Calif., and Leon W. Dierkes, sales manager; charging the defendants with the giving of a false guaranty. The guaranty was given by the defendants to United Grocers, Ltd., San Francisco, Calif., on or about February 12, 1945, in connection with a contract for the sale of tomato juice. It provided that the food sold under the contract would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

Between the approximate dates of February 19 and April 14, 1945, the defendants sold and delivered a quantity of tomato juice to United Grocers, Ltd., which firm shipped the product from the State of California into the Territory of Hawaii. The tomato juice so guarantied and shipped was adulterated.

LABEL, IN PART: "Heart's Delight Juicidrinks Fancy Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: April 4, 1947. Pleas of nolo contendere having been entered on behalf of both defendants, the court imposed a fine of $50 against each.

12409. Adulteration of tomato juice. U. S. v. 1,429 Cases * * *. (F. D. C. No. 11668. Sample No. 50236–F.)

LIBEL FILED: January 18, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 14, 1943, by Fuller Canneries, from Modeltown, N. Y.

PRODUCT: 1,429 cases, each containing 6 cans, of tomato juice at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: April 30, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12410. Adulteration of beer. U. S. v. 2,400 Cases * * * (and 9 other seizure actions). (F. D. C. Nos. 21700, 21724, 21725, 21762, 21763, 21765, 21791, 21792, 21851, 22390. Sample Nos. 32308–H, 32309–H, 50112–H, 50125–H, 51588–H, 53498–H, 61463–H, 61464–H, 67390–H, 67451–H, 67692–H, 67708–H, 70543–H.)

LIBELS FILED: Between November 12, 1946, and January 15, 1947, Western District of Missouri, District of Kansas, Western District of Oklahoma, Southern District of Texas, Southern District of Iowa, Western District of Washington, Southern District of California, Eastern District of Tennessee, and District of Nevada.

ALLEGED SHIPMENT: Between October 12 and November 5, 1946, by the Birk Bros. Brewing Co., from Galewood and Chicago, Ill.

PRODUCT: 13,271 cases of beer at Independence, Mo.; Coffeyville, Kans.; Oklahoma City, Okla.; Corpus Christi and Houston, Tex.; Des Moines, Iowa; Tacoma, Wash.: Los Angeles, Calif.; Kingsport, Tenn.; and Las Vegas, Nev. Some of the cases contained 24 12-ounce bottles, and the remaining cases contained 12 1-quart bottles. Analyses disclosed that the various lots of the product contained between 47 and 112 parts per million of monochloracetic acid.

LABEL, IN PART: "Trophy Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, monochloracetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice.

DISPOSITION: Between November 29, 1946, and April 14, 1947. G. G.'s Liquor Stores, Inc., Houston, Tex., claimant for the Houston lot, and the Birk Bros. Brewing Co., claimant for the other lots, having consented to the entry of decrees, judgments of condemnation were entered. The marshal was ordered to destroy the Houston lot of the beer and to deliver the containers to the claimant. The other lots were released to the claimant under bond, conditioned that they be disposed of in the same manner.

12411. Adulteration of wine. U. S. v. 10 Cases * * * (and 8 other seizure actions). (F. D. C. Nos. 22462, 22516, 22517, 22638, 22817, 22818, 22821, 22823, 22825. Sample Nos. 39784–H to 39786–H, incl., 48833–H, 49552–H, 50153–H, 54118–H to 54121–H, incl., 61329–H, 69728–H, 69729–H, 69876–H, 76343–H, 76344–H.)

LIBELS FILED: Between January 31 and April 10, 1947, Eastern and Western Districts of Michigan, Southern District of Indiana, Southern District of Mississippi, Southern and Western Districts of Texas, Eastern District of Louisiana, and Western District of Pennsylvania.

ALLEGED SHIPMENT: Between January 22 and October 14, 1946, by the California Wine Co., from Chicago, Ill.

PRODUCT: 411 cases and 50 bottles of wine at Benton Harbor and Detroit, Mich.; Indianapolis, Ind.; Meridian, Miss.; Houston and San Antonio, Tex.; New Orleans, La.; and Pittsburgh, Pa. The cases contained 12 ⅕-gallon bottles, or 6 ½-gallon bottles, or 4 1-gallon bottles, of the product. Analyses showed that the various lots of the article contained between 78 and 260 parts per million of monochloracetic acid.

LABEL, IN PART: "American Mogen David Wine A Sweet Kosher Grape Wine," "Barloma American White [or "Red," or "Blackberry"] Sweet Wine," or "Barloma Brand Blended American Light Port Wine."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, monochloracetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice.

DISPOSITION: Between March 5, 1947, and January 5, 1948. Default decrees of condemnation and destruction.

12412. Misbranding of Cosco Esterex. U. S. v. 2 Bottles * * *. (F. D. C. No. 21412. Sample No. 53534–H.)

LIBEL FILED: November 4, 1946, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about August 31, 1945, by the C. O. & W. D. Sethness Co., from Chicago, Ill.

PRODUCT: 2 1-gallon bottles of Cosco Esterex at Nashville, Tenn. Analysis showed that the product contained about 17 percent of monochloracetic acid.

LABEL, IN PART: "Cosco Esterex * * * Buffered Aqueous Solution of Monochloracetic Acid and its Selected Esters, Salt and Glycerine. Directions for Stabilizing Purposes: Use ½ Ounce to Each Gallon of Bottling Syrup, or to 6 Gallons of Finished Drink."

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling of the article was misleading, since the trade mark "Esterex," coupled with the directions for use, represented to purchasers of the article that the article was wholesome and suitable for use as a component of beverages for man, whereas the article contained about 17 percent of monochloracetic acid, which is a poisonous and deleterious substance; and the labeling failed to reveal the material fact in the light of said representations made thereon that the article contained a poisonous and deleterious substance.

DISPOSITION: January 7, 1947. Default decree of condemnation and destruction.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS*

12413. Adulteration of bread. U. S. v. Louis A. Handlovsky (Sanitary Bakery Co.). Plea of guilty. Fine of $75 and jail sentence of 6 months. (F. D. C. No. 21572. Sample Nos. 50952–H, 50954–H, 73301–H.)

INFORMATION FILED: February 24, 1947, Western District of Wisconsin, against Louis A. Handlovsky, trading as the Sanitary Bakery Co., at Superior, Wis.

ALLEGED SHIPMENT: Between the approximate dates of March 6 and October 16, 1946, from the State of Wisconsin into the State of Minnesota.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, mites, and rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 2, 1947. A plea of guilty having been entered, the defendant was fined $75 and sentenced to 6 months' imprisonment. The jail sentence was suspended and the defendant was placed on 1 year's probation. On November 25, 1947, however, the suspended sentence was revoked, and the defendant was committed to the custody of the United States marshal.

12414. Adulteration of bread, rolls, and doughnuts. U. S. v. Huber Baking Co., a corporation. Plea of guilty. Fine, $350. (F. D. C. No. 24045. Sample Nos. 66279–H, 92521–H, 92523–H, 92527–H, 92528–H, 99981–H, 99982–H.)

INFORMATION FILED: December 24, 1947, District of Delaware, against the Huber Baking Company, a corporation, Wilmington, Del.

ALLEGED SHIPMENT: On or about August 2, 4, 8, and 9, 1947, from the State of Delaware into the States of New Jersey and Pennsylvania.

LABEL, IN PART: "Sunbeam Doughnuts * * * 6 Doughnuts," "Huber's Sunbeam Rolls Net Wt. 15 Ozs.," or "Huber's Sunbeam Enriched Bread." One shipment of rolls was unlabeled.

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*See also No. 12570.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect parts and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: December 24, 1947. The defendant having entered a plea of guilty on all 7 counts, the court imposed a fine of $50 on each count, a total fine of $350.

12415. Adulteration of fruit cake. U. S. v. Karl Baking Co., Hyman Sherman, and Max Tabachnik. Pleas of nolo contendere. Fine, $500. (F. D. C. No. 22069. Sample Nos. 54349–H, 54350–H.)

INFORMATION FILED: May 7, 1947, District of New Jersey, against the Karl Baking Co., a partnership, Newark, N. J., and Hyman Sherman and Max Tabachnik, partners.

ALLEGED SHIPMENT: On or about September 11 and 23, 1946, from the State of New Jersey into the State of North Carolina.

LABEL, IN PART: "Dumbarton Oaks Rum and Brandy Fruit Cake."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of beetles, larvae, ants, and insect fragments.

DISPOSITION: December 15, 1947. Pleas of nolo contendere having been entered, a fine of $500 was imposed against the defendants.

12416. Adulteration of Peanut Butter Dots and Peanut Butter Cheese Sandwiches. U. S. v. 91 Cartons, etc. (and 2 other seizure actions). (F. D. C. Nos. 23145 to 23147, incl. Sample Nos. 65985–H, 65986–H, 65990–H, 65992–H.)

LIBELS FILED: Between May 28 and June 6, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about April 22 and 29, 1947, by Rite Bite Food Products, from Philadelphia, Pa.

PRODUCT: 23 cartons of Peanut Butter Dots and 68 cartons of Peanut Butter Cheese Sandwiches at Lambertville, 44 cartons of Peanut Butter Cheese Sandwiches at Toms River, and 33 cartons of Peanut Butter Dots at Margate City, N. J. Each carton of both products contained 24 1-ounce packages.

LABEL, IN PART: "Rite Bite Food Products Peanut Butter Dots," or "Rite-Bite Peanut Butter Cheese Sandwiches."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence (Peanut Butter Dots) of rodent hairs and cat hairs and (Peanut Butter Cheese Sandwiches) of insect fragments and rodent hairs; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: June 27 and July 3, 1947. Default decrees of condemnation and destruction.

12417. Adulteration and misbranding of cracker sandwiches. U. S. v. 18 Boxes * * *. (F. D. C. No. 23157. Sample No. 65996–H.)

LIBEL FILED: June 3, 1947, District of Delaware.

ALLEGED SHIPMENT: On or about May 12, 1947, by the Elite Sandwich Company, from Penns Grove, N. J.

PRODUCT: 18 boxes, each containing 50 1¼-ounce packages, of cracker sandwiches at Wilmington, Del.

LABEL, IN PART: "Combination Peanut & Cheese Elite Crisp Cracker Sandwich Net Wt. 1¼ Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; Section 402 (a) (4), the cracker component of the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents. (The product was short of the declared weight.)

DISPOSITION: June 23, 1947. Default decree of condemnation and destruction.

12418. Adulteration of cookies. U. S. v. 6 Cartons * * *. (F. D. C. No. 23626. Sample No. 55528–H.)

LIBEL FILED: August 7, 1947, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about June 17, 1947, by Mrs. Hubbell's Bakeries, Inc., from Phoenixville, Pa.

PRODUCT: 6 19½-pound cartons of cookies at Mount Airy, N. C.

LABEL, IN PART: "Town Toast Cookies * * * Jumbo Van."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 17, 1947. Default decree of condemnation and destruction.

12419. Adulteration of ginger snaps, chocolates, raspberry gelatin, pancake flour, and peanut butter. U. S. v. Griggs, Cooper & Co. Plea of guilty. Fine, $1,000. (F. D. C. No. 20441. Sample Nos. 50642–H to 50644–H, incl., 50646–H, 50913–H.)

INFORMATION FILED: September 23, 1946, District of Minnesota, against Griggs, Cooper & Co., a corporation, St. Paul, Minn.

ALLEGED SHIPMENT: Between the approximate dates of November 3 and December 18, 1945, from the State of Minnesota into the States of North and South Dakota.

LABEL, IN PART: "Ginger Snaps [or "Primrose Chocolates"] Manufactured by Sanitary Food Mfg. Co. St. Paul, Minn.," "Home Brand Imitation Raspberry Gelatine Dessert Packed by Griggs, Cooper & Co. St. Paul, Minn.," "Home Brand Self Rising Pancake Flour Mfg. by Griggs, Cooper & Co. St. Paul, Minn.," or "Bel-Dine Peanut Butter Park Grant Co. Watertown, S. D."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: November 21, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $200 on each of 5 counts, a total fine of $1,000.

12420. Adulteration of vanilla wafers. U. S. v. 98 Cases * * *. (F. D. C. No. 23766. Sample No. 26310–K.)

LIBEL FILED: September 19, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 11, 1947, by Dortch's Baking Company, from Memphis, Tenn.

PRODUCT: 98 cases, each containing 30 5-ounce bags, of vanilla wafers at St. Louis, Mo.

LABEL, IN PART: "Vanilla Dortch's Wafers."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 16, 1947. Default decree of condemnation and destruction.

12421. Adulteration of pretzels. U. S. v. 992 Cases, etc. (F. D. C. No. 23798. Sample Nos. 28411–K to 28414–K, incl.)

LIBEL FILED: October 10, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about September 3, 1947, by the Hygrade Bakery Co., from Philadelphia, Pa.

PRODUCT: Pretzels. 992 cases, each containing 6 16-ounce tins, 191 cases, each containing 12 6-ounce packages, 499 cases, each containing 12 10-ounce packages, and 189 cases, each containing 48 1½-ounce bags, at Denver, Colo.

LABEL, IN PART: "Supreme [or "Hygrade"] Pretzel Stix," or "Supreme Pretzels."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 6, 1947. Consent decree of condemnation and destruction.

12422. Adulteration of pretzels. U. S. v. 166 Cans, etc. (F. D. C. No. 23842. Sample Nos. 12102–K to 12106–K, incl.)

LIBEL FILED: On or about October 13, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about September 11, 1947, by the Henricks Pretzel Company, from Pottstown, Pa.

PRODUCT: 278 cans of pretzels at Camden, N. J.

LABEL, IN PART: (Cans) "Henricks' 4½ Lbs. Net Unexcelled Thin Butter Pretzels," "Henricks' Net Weight 5 Lbs. Butter Pretzels," "Henricks' 150 Count Large Pretzels," "Henricks' Pretzels Sticks Net Weight 8 Lbs," or "Henricks' 175 Count Penny Sticks Pretzels."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 7, 1947. Default decree of condemnation. The product was ordered delivered to a public institution, and the Henricks Pretzel Co. was granted permission to recover the containers after the contents had been removed.

12423. Misbranding of pretzel sticks and potato chips. U. S. v. 15 Cases, etc. (F. D. C. No. 22925. Sample Nos. 66079–H, 66080–H.)

LIBEL FILED: On or about April 22, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about April 1, 1947, by Perfect Foods, Inc., from Lansdale, Pa.

PRODUCT: 15 cases, each containing 24 12-ounce packages, of pretzel sticks and 11 cases, each containing 24 5¼-ounce packages, of potato chips at Runnemede, N. J.

LABEL, IN PART: "Tritzels * * * Toasted Sticks," or "Chipzels * * * Perfect Potato Chips."

NATURE OF CHARGE: Misbranding, Section 403 (d), the containers of the articles were so filled as to be misleading, since the packages were large enough to hold at least 8 ounces more of pretzel sticks and at least 3 ounces more of potato chips.

DISPOSITION: May 16, 1947. Default decree of condemnation. The products were ordered delivered to a charitable institution.

12424. Adulteration of cracker meal. U. S. v. 200 Bags * * * (and 2 other seizure actions). (F. D. C. Nos. 22936, 22964, 22969. Sample Nos. 66084–H, 87561–H, 90975–H to 90977–H, incl.)

LIBELS FILED: April 16, 25, and 28, 1947, Eastern District of Pennsylvania, District of Maryland, and Southern District of New York.

ALLEGED SHIPMENT: Between the approximate dates of January 3 and April 2, 1947, by the Original Trenton Cracker Co., from Trenton, N. J.

PRODUCT: Cracker meal. 200 100-pound bags at Philadelphia, Pa.; 16 cartons, each containing 6 10-pound bags, at New York, N. Y.; and 40 25-pound cartons, 9 5-pound packages, and 5 barrels containing 830 pounds, at Baltimore, Md.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 13 and June 4, 1947. Default decree of condemnation. The Philadelphia and Baltimore lots were ordered delivered to public institutions, for use as animal feed, and the New York lot was ordered destroyed.

12425. Adulteration of cracker meal. U. S. v. 110 Bags * * *. (F. D. C. No. 22982. Sample No. 7186-H.)

LIBEL FILED: May 1, 1947, District of Connecticut.

ALLEGED SHIPMENT: On or about April 2 and 11, 1947, by the Original Trenton Cracker Co., from Trenton, N. J.

PRODUCT: 110 10-pound bags of cracker meal at Hartford, Conn.

LABEL, IN PART: "Trenton Cracker Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 25, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution, for use as hog feed.

12426. Adulteration of cracker meal. U. S. v. 55 Bags * * *. (F. D. C. No. 23519. Sample No. 65859-H.)

LIBEL FILED: On or about July 30, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about May 24, 1947, by D. W. Dietrich & Co., from Frederick, Md.

PRODUCT: 55 100-pound bags of cracker meal at Camden, N. J.

LABEL, IN PART: "P. T. T. Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments.

DISPOSITION: August 22, 1947. Default decree of condemnation and destruction.

12427. Adulteration of matzoth meal. U. S. v. 336 Bags * * * (and 1 other seizure action). (F. D. C. Nos. 22955, 23503. Sample Nos. 87577-H, 91246-H.)

LIBELS FILED: April 21 and July 16, 1947, Eastern District of New York.

ALLEGED SHIPMENT: On or about February 18 and June 20, 1947, by the Mt. Airy Milling Co., from Mount Airy, Md.

PRODUCT: 496 140-pound bags of matzoth meal at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 10, 1947. The Mt. Airy Milling Co., claimant, having admitted the allegations of the libels, and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as animal feed, under the supervision of the Food and Drug Administration.

CORN MEAL

12428. Adulteration of corn meal. U. S. v. 400 Bags * * *. (F. D. C. No. 23787. Sample No. 18704-K.)

LIBEL FILED: October 2, 1947, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about September 17, 1947, by the Robbins Bros. Milling Co., from Auburn, Ky.

PRODUCT: 400 10-pound bags of corn meal at Nashville, Tenn.

LABEL, IN PART: "Old Time Cream Meal," or "Uncle Sam Bolted Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hair fragments, insect fragments, and larvae.

DISPOSITION: October 28, 1947. The Auburn Roller Mills, Auburn, Ky., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed, under the supervision of the Food and Drug Administration.

12429. Adulteration of corn meal. U. S. v. 282 Bags * * *. (F. D. C. No. 23764. Sample No. 73620–H.)

LIBEL FILED: September 17, 1947, Southern District of Ohio.

ALLEGED SHIPMENT: On or about July 28, 1947, by the Bundy Bros. Mill Co. from Medora, Ind.

PRODUCT: 282 bags, each containing 50 pounds, of corn meal at Reading, Ohio.

LABEL, IN PART: "Cream Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta fragments.

DISPOSITION: October 21, 1947. The Bundy Bros. Mill Co., claimant, having admitted the allegation of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into animal feed, under the supervision of the Food and Drug Administration.

12430. Adulteration of corn meal. U. S. v. 270 Bags * * *. (F. D. C. No. 24189. Sample No. 12808–K.)

LIBEL FILED: December 16, 1947, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 31, 1947, by Piedmont Mills, Inc., from Lynchburg, Va.

PRODUCT: 270 bags, each containing 100 pounds, of corn meal at Philadelphia, Pa.

LABEL, IN PART: "Old Style Buhr Ground Meal Our Chief White Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, rodent excreta fragments, and rodent hair fragments.

DISPOSITION: February 2, 1948. Piedmont Mills, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured and manufactured into animal feed, under the supervision of the Food and Drug Administration.

On May 10, 1948, pursuant to the claimant's request, an amended decree was entered providing for the destruction of the product.

12431. Adulteration of corn meal. U. S. v. 160 Bags, etc. (F. D. C. No. 23957. Sample Nos. 2424–K, 2425–K.)

LIBEL FILED: November 5, 1947, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about October 17, 1947, by the Herrman-McLean Co. from Monroeville, Ohio.

PRODUCT: 160 10-pound bags and 120 25-pound bags of corn meal at Beckley, W. Va.

LABEL, IN PART: "Ohio Fancy Corn Meal White."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta fragments.

DISPOSITION: February 10, 1948. The Herrman-McLean Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reworked into animal feed, under the supervision of the Federal Security Agency.

12432. Adulteration of corn meal. U. S. v. 80 Bags * * *. (F. D. C. No. 23447. Sample No. 83165–H.)

LIBEL FILED: On or about September 12, 1947, Southern District of Indiana.

ALLEGED SHIPMENT: On or about July 30, 1947, by Ballard & Ballard, Inc., from Louisville, Ky.

PRODUCT: 80 10-pound bags of corn meal at New Albany, Ind.

LABEL, IN PART: "Ballard Cream Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta fragments.

DISPOSITION: On October 20, 1947, a default decree of forfeiture and destruction was entered, and on November 12, 1947, an order was entered providing for the delivery of the product to a charitable institution, for use as animal feed.

12433. Adulteration of corn meal. U. S. v. 32 Bags, etc. (F. D. C. No. 23743. Sample Nos. 83166–H, 83184–H.)

LIBEL FILED: September 10, 1947, Western District of Kentucky.

ALLEGED SHIPMENT: On or about August 5, 12, and 26, 1947, by the Lanesville Milling Co., from Lanesville, Ind.

PRODUCT: 32 10-pound bags, 8 5-pound bags, and 27 25-pound bags of corn meal at Louisville, Ky.

LABEL, IN PART: "Purity Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta fragments.

DISPOSITION: On or about October 13, 1947. Default decree of condemnation. The product was ordered delivered to a charitable institution, for use as animal feed.

12434. Adulteration of corn meal. U. S. v. 8 Bundles * * *. (F. D. C. No. 24113. Sample No. 3625–K.)

LIBEL FILED: November 18, 1947, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about October 16, 1947, by Zimmerman & Co., Elizabeth City, N. C.

PRODUCT: 8 bundles, each containing 25 2-pound bags, of corn meal at Norfolk, Va.

LABEL, IN PART: "Bolted Corn Z Meal Burr Ground."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, rodent excreta fragments, and rodent hair fragments.

DISPOSITION: January 19, 1948. Default decree of condemnation and destruction.

MACARONI AND NOODLE PRODUCTS

12435. Adulteration of macaroni products. U. S. v. 50 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 23516, 23517. Sample Nos. 87742–H, 87745–H, 87775–H.)

LIBELS FILED: On or about July 28 and August 1, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about June 10, 1947, by B. Filippone & Co., from Passaic, N. J.

PRODUCT: 95 cases, each containing 20 1-pound packages, of macaroni products at Newburgh and New York, N. Y.

LABEL, IN PART: "La Peria Macaroni Products."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 4 and 25, 1947. Default decrees of condemnation. The product was ordered delivered to a Federal institution, for use as animal feed.

12436. Adulteration of macaroni. U. S. v. 99 Cartons * * *. (F. D. C. No. 21304. Sample No. 42086–H.)

LIBEL FILED: October 24, 1946, District of Columbia.

ALLEGED SHIPMENT: On or about September 18, 1946, by W. H. Kirkwood & Son, from Baltimore, Md.

PRODUCT: 99 cartons of macaroni at Washington, D. C.

LABEL, IN PART: (Carton) "Macaroni 20 Lbs. David Kerr, Inc., Baltimore, Md."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: November 20, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution, for use an animal feed.

12437. Adulteration and misbranding of egg noodles and adulteration of popcorn. U. S. v. Jaeger Noodle & Potato Chip Company and Julius F. Jaeger. Plea of nolo contendere. Both defendants fined $100 on each of 3 counts, plus costs; fines suspended on counts 2 and 3. (F. D. C. No. 23300. Sample Nos. 12883–H, 12884–H.)

INFORMATION FILED: On or about June 1, 1947, Northern District of Ohio, against the Jaeger Noodle & Potato Chip Co., a partnership, Booth, Ohio, and Julius F. Jaeger, a partner.

ALLEGED SHIPMENT: On or about February 21, 1947, from the State of Ohio into the State of Michigan.

LABEL, IN PART: "Jaeger's Home Style Fresh Egg Noodles," or "French Queen French Fried Pop Corn."

NATURE OF CHARGE: Egg noodles. Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, and cat hair fragments; Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth; Section 402 (b) (1), a valuable constituent, the solids of egg or egg yolk, had been in part omitted from the article; Section 402 (b) (2), an article deficient in the solids of egg or egg yolk had been substituted in part for egg noodles. Misbranding, Section 403 (g) (1), the article was represented to be egg noodles, for which a definition and standard of identity have been prescribed, and it failed to conform to the definition and standard since it contained less than 5.5 percent by weight of the solids of egg or egg yolk.

French Fried Pop Corn. Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments and feather fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 20, 1947. Pleas of nolo contendere having been entered on behalf of the defendants, the court imposed a fine of $100 on each of 3 counts against each defendant, plus costs. However, the fines imposed on counts 2 and 3 were suspended.

12438. Adulteration of spaghetti and macaroni. U. S. v. 6 Cartons, etc. (F. D. C. No. 21783. Sample Nos. 52690–H, 52691–H.)

LIBEL FILED: November 29, 1946, Southern District of Indiana.

ALLEGED SHIPMENT: On or about May 18 and July 7, 1946, by the St. Louis Macaroni Manufacturing Co., Inc., from St. Louis, Mo.

PRODUCT: 19 cartons, each containing 24 1-pound packages, of spaghetti or macaroni at Indianapolis, Ind.

LABEL, IN PART: "St. Louis Brand Delicious Macaroni Products."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects.

DISPOSITION: February 19, 1947. No claimant having appeared, judgment of forfeiture was entered and the products were ordered destroyed.

12439. Adulteration and misbranding of spaghetti with mushrooms. U. S. v. 739 Cases * * *. (F. D. C. No. 22570. Sample No. 63118–H.)

LIBEL FILED: February 25, 1947, Northern District of California.

ALLEGED SHIPMENT: On or about October 5, 1946, by the Oregon Mushroom Co., from Milwaukie, Oreg.

PRODUCT: 739 cases, each containing 48 1-pound cans, of spaghetti with mushrooms at San Francisco, Calif.

LABEL, IN PART: "Conan's Happy Valley Spaghetti with Mushrooms in Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, mushrooms, had been in whole or in part omitted from the product.

Misbranding, Section 403 (a), the label statement "Spaghetti with Mushrooms in Sauce" was false and misleading as applied to this article, which contained an insignificant amount of mushrooms.

DISPOSITION: March 12, 1947. The Oregon Mushroom Co., claimant, having consented to entry of a decree, judgment of condemnation was entered and

the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency.

12440. Adulteration of spaghetti with tomato sauce. U. S. v. 58 Cases * * *. (F. D. C. No. 21848. Sample No. 67731–H.)

LIBEL FILED: December 10, 1946, District of Kansas.

ALLEGED SHIPMENT: On or about November 20, 1945, by the Archer House Co., from Fort Worth, Tex.

PRODUCT: 58 cases, each containing 24 15½-ounce jars, of spaghetti with tomato sauce at Hillsboro, Kans.

LABEL, IN PART: "Archer House Spaghetti with Tomato Sauce and Spices."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: March 31, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12441. Adulteration of spaghetti dinner. U. S. v. 46 Cases * * *. (F. D. C. No. 23545. Sample No. 44842–H.)

LIBEL FILED: August 6, 1947, District of Arizona.

ALLEGED SHIPMENT: On or about May 15 and June 2, 1947, by the Superior Macaroni Co., from Los Angeles, Calif.

PRODUCT: 46 cases, each containing 12 packages, of spaghetti dinner at Phoenix, Ariz.

LABEL, IN PART: (Packages) "Superio Italian Complete Spaghetti Dinner * * * Contents * * * 8 oz. Tasty Italian Style Spaghetti Sauce—½ oz. Grated Cheese—7 oz. Kwick Kook Semolina Spaghetti."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the spaghetti consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), the spaghetti had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 8, 1947. Default decree of condemnation and destruction.

12442. Adulteration of Chili-Mac Dinner. U. S. v. 36 Cases * * *. (F. D. C. No. 23652. Sample No. 44856–H.)

LIBEL FILED: August 22, 1947, District of Arizona.

ALLEGED SHIPMENT: On or about June 27, 1947, by the Superior Macaroni Co., From Los Angeles, Calif.

PRODUCT: 36 cases, each containing 24 packages, of Chili-Mac Dinner at Phoenix, Ariz. Each package contained one unlabeled white paper bag of cut macaroni and one sealed wax paper envelope containing a chili powder mix.

LABEL, IN PART: (Packages) "Superio Chili-Mac Dinner."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 8, 1947. Default decree of condemnation and destruction.

12443. Adulteration of soup mix. U. S. v. 277 Cartons * * *. (F. D. C. No. 22473. Sample Nos. 61202–H, 61203–H.)

LIBEL FILED: February 4, 1947, Western District of New York.

ALLEGED SHIPMENT: Between the approximate dates of October 25 and December 30, 1946, by the Weiss Noodle Co., from Cleveland, Ohio.

PRODUCT: 277 cartons, each containing 24 3-ounce boxes, of noodle soup mix and egg noodle soup mix at Rochester, N. Y.

LABEL, IN PART: "Cook's Home Style Noodle [or "Egg Noodle"] Soup Mix."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: April 15, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS CEREAL PRODUCTS*

12444. Adulteration of Corn Cones. U. S. v. 1,183 Bags * * *. (F. D. C. No. 23942. Sample Nos. 7207–K, 7208–K.)

LIBEL FILED: October 30, 1947, Western District of New York.

ALLEGED SHIPMENT: On or about September 19 and October 2, 1947, by the Mt. Vernon Milling Co., from Mount Vernon, Ind.

PRODUCT: 1,183 100-pound bags of Corn Cones at Buffalo, N. Y. The product resembled finely ground white corn meal.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary, conditions whereby it may have become contaminated with filth.

DISPOSITION: November 20, 1947. General Mills, Inc., Buffalo, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Federal Security Agency, and thereafter to be sold as cattle feed.

12445. Misbranding of brewers flakes. U. S. v. 260 Bags * * *. (F. D. C. No. 23775. Sample No. 19101–K.)

LIBEL FILED: September 24, 1947, Northern District of Ohio.

ALLEGED SHIPMENT: On or about July 29, 1947, by the Mt. Vernon Milling Co., from Mount Vernon, Ind.

PRODUCT: 260 100-pound bags of brewers flakes at Cleveland, Ohio.

LABEL, IN PART: "Sno-Fluf Brewers Flakes."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: September 29, 1947. The Cleveland Home Brewing Co., Cleveland, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as cattle feed, under the supervision of the Food and Drug Administration.

12446. Adulteration of canned hominy. U. S. v. 11 Cases * * *. (F. D. C. Nos. 22847, 22848. Sample Nos. 82320–H, 82347–H.)

LIBELS FILED: April 18, 1947, Eastern District of Washington.

ALLEGED SHIPMENT: On or about November 11, 1946, by Swint's Cannery, from Paris, Tex.

PRODUCT: 6 cases at Cowiche, Wash., and 5 cases at Selah, Wash. Each case contained 24 1-pound, 4-ounce cans, of the product.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: May 20, 1947. Default decrees of condemnation and destruction.

12447. Adulteration of canned hominy. U. S. v. 13 Cases * * *. (F. D. C. No. 22378. Sample No. 81395–H.)

LIBEL FILED: January 14, 1947, Eastern District of Washington; libel amended January 24, 1947.

ALLEGED SHIPMENT: On or about November 11, 1946, by Swint's Cannery, from Paris, Tex.

PRODUCT: 13 cases, each containing 24 1-pound, 4-ounce cans, of hominy at Yakima, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of maggots, larvae, and larvae fragments.

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*See also No. 12437.

DISPOSITION: February 24, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12448. Adulteration of doughnut mixture. U. S. v. 15 Bags * * * (and 1 other seizure action). (F. D. C. Nos. 23046, 23062. Sample Nos. 60470–H, 64735–H.)

LIBELS FILED: May 23 and 31, 1947, Western District of Pennsylvania and Northern District of New York.

ALLEGED SHIPMENT: On or about April 3 and 15, 1947, by Standard Foods, Inc., from Rockland, Md.

PRODUCT: Doughnut mixture. 15 bags at Oil City, Pa., and 10 bags at Norwich, N. Y.

LABEL, IN PART: "Ringmaster Prepared Doughnut Mixture."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments.

DISPOSITION: June 20 and September 13, 1947. Default decrees of condemnation and destruction.

12449. Adulteration of doughnut mixture. U. S. v. 22 Bags * * *. (F. D. C. No. 23155. Sample No. 74588–H.)

LIBEL FILED: May 29, 1947, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 16, 1947, by Standard Foods, Inc., from Rockland, Md.

PRODUCT: 22 100-pound bags of doughnut mixture at Brockton, Mass.

LABEL, IN PART: "Ringmaster Prepared Doughnut Mixture."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments.

DISPOSITION: July 15, 1947. Default decree of condemnation and destruction.

12450. Misbranding of Bat-O-Lite (baker's mix). U. S. v. 3 Barrels * * *. (F. D. C. No. 23190. Sample No. 64292–H.)

LIBEL FILED: June 12, 1947, Eastern District of New York.

ALLEGED SHIPMENT: On or about February 4, 1947, by the Bat-O-Lite Co., from Philadelphia, Pa.

PRODUCT: 3 300-pound barrels of Bat-O-Lite at Brooklyn, N. Y.

LABEL, IN PART: "Bat-O-Lite A Contains Pure Creamery Butter * * * Contains: wheat flour, cereal starch, dextrose, pure creamery butter, salt, leavening, artificial flavors."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Contains Pure Creamery Butter" was misleading, since the product contained an inconsequential amount of butter.

DISPOSITION: September 5, 1947. Default decree of condemnation and destruction.

12451. Adulteration of yellow rye dust. U. S. v. 10 Bags * * *. (F. D. C. No. 22476. Sample No. 84811–H.)

LIBEL FILED: February 4, 1947, Western District of New York.

ALLEGED SHIPMENT: On or about October 28, 1946, by Griffith Laboratories, from Chicago, Ill.

PRODUCT: 10 100-pound bags of yellow rye dust at Buffalo, N. Y.

LABEL, IN PART: "Yellow Rye Dust Processed from Select Maize."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: March 17, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CHOCOLATE AND SACCHARINE PRODUCTS

CHOCOLATE AND COCOA PRODUCTS*

12452. Adulteration and misbranding of chocolate-flavored sirup. U. S. v. 65 Cases * * *. (F. D. C. No. 23758. Sample No. 94142–H.)

LIBEL FILED: September 15, 1947, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about May 15, 1947, by the Merit-Pak Co., from St. Louis, Mo.

PRODUCT: 65 cases, each containing 24 1-pound bottles, of chocolate-flavored sirup at East St. Louis, Ill.

LABEL, IN PART: "Brownie Chocolate Flavored Syrup with Iron and Vitamin D."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, iron, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statement "One Tablespoon in Milk or Sauce Twice a Day Supplies Full Minimum Requirement of Iron" was false and misleading as applied to the article, which did not provide the stated proportion of the minimum daily requirement for iron.

DISPOSITION: November 20, 1947. The Jay-Enn Ice Cream Co., East St. Louis, Ill., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned upon the removal of the labels from the bottles, under the supervision of the Food and Drug Administration, and upon the use of the article as flavoring for ice cream.

12453. Adulteration of cocoa residue powder. U. S. v. 361 Bags * * *. (F. D. C. No. 22790. Sample No. 66055–H.)

LIBEL FILED: March 28, 1947, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 12, 1946, by Waken McLughlin, Inc., from Hammond, Ind.

PRODUCT: 361 60-pound bags of cocoa residue powder at Wilkes-Barre, Pa. The product was a mixture of ground cacao shell and powdered cacao bean. It had the odor, flavor, and appearance of cocoa, but contained more cacao shell than is present in cocoa.

LABEL, IN PART: "Blenco Cocoa Residue Powder."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article purported to be cocoa and failed to conform to the definition and standard of identity for cocoa, since it contained added cocoa shells.

DISPOSITION: July 22, 1947. Default decree of condemnation and destruction.

12454. Misbranding of cocoa residue powder. U. S. v. 82 Bags * * *. (F. D. C. No. 22907. Sample No. 57760–H.)

LIBEL FILED: April 7, 1947, District of Massachusetts.

ALLEGED SHIPMENT: On or about December 31, 1946, by the Carr-Consolidated Biscuit Co., from Wilkes-Barre, Pa.

PRODUCT: 82 60-pound bags of cocoa residue powder at West Roxbury, Mass.

LABEL, IN PART: "Blenco Cocoa Residue Powder."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for cocoa. The standard provides that cocoa is a food prepared by pulverizing the residual material remaining after part of the cacao fat has been removed from ground cacao nibs, whereas the article contained added cacao shell.

DISPOSITION: July 15, 1947. Default decree of condemnation and destruction.

CONFECTIONERY**

12455. Adulteration of popcorn confection. U. S. v. Favorite Confection Company. Plea of nolo contendere. Fine, $700. (F. D. C. No. 21550. Sample Nos. 51196–H, 72417–H.)

INFORMATION FILED: January 28, 1947, Western District of Wisconsin, against the Favorite Confection Company, a corporation, Eau Claire, Wis.

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*See also No. 12468.
**See also No. 12419.

ALLEGED SHIPMENT: On or about July 24 and 26, 1946, from the State of Wisconsin into the States of Colorado and North Dakota.

LABEL, IN PART: "Favorite Caramel Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (1 shipment) the article consisted in part of a filthy substance by reason of the presence of larvae, rodent hair fragments, cat-like hair fragments, and feather fragments; and, Section 402 (a) (4), (both shipments) the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 21, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $700.

12456. Adulteration of Zippies (popcorn confection). U. S. v. 560 Cartons * * *. (F. D. C. No. 23171. Sample No. 66364-H.)

LIBEL FILED: June 4, 1947, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 20 and April 18, 1947, by the C & M Popcorn Co., from Lake View, Iowa.

PRODUCT: 560 cartons, each containing 24 bags, of Zippies at Philadelphia, Pa.

LABEL, IN PART: (Bags) "Zippies Net Wt. 3¼ Oz. or Over."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 16, 1947. Default decree of condemnation and destruction.

12457. Adulteration of Bottle O'Pop Wax Chews. U. S. v. 65 Boxes * * * (and 1 other seizure action). (F. D. C. Nos. 23096, 23467. Sample Nos. 76315-H, 85709-H.)

LIBELS FILED: July 3 and 8, 1947, Northern District of Mississippi and District of Columbia.

ALLEGED SHIPMENT: On or about May 2 and 15, 1947, by the G & B Candy Co., from Dallas, Tex.

PRODUCT: 65 boxes at Oxford, Miss., and 27 boxes at Washington, D. C., each box containing 80 pieces of Bottle O'Pop Wax Chews. Examination showed that the product was a small wax bottle containing a sweet artificially flavored and colored liquid. Analysis showed that the product contained quaternary ammonium compound.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, quaternary ammonium compound, which is unsafe within the meaning of the law, since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice.

DISPOSITION: July 31 and August 4, 1947. The shipper and the consignee of the Mississippi lot having consented to the entry of a decree, and no claimant having appeared for the Washington lot, judgments of condemnation were entered and the product was ordered destroyed.

12458. Misbranding of confectionery (cake decorations). U. S. v. 17 Cartons * * *. (F. D. C. No. 23654. Sample No. 91365-H.)

LIBEL FILED: September 2, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about February 24, 1947, by Sure Foods, Inc., Chicago, Ill.

PRODUCT: 17 cartons, each containing 24 1⅝-ounce bottles of confectionery at New York, N. Y. The product, used for cake decoration, consisted of small brown cylindrical pellets with a sweet, cocoa flavor. Analysis showed that it contained no chocolate.

LABEL, IN PART: "Shure Good Brand Chocolate Cakorettes Ingredients: Apricot kernels, sugar, sweet almonds, corn syrup, and cocoa."

NATURE OF CHARGE: Misbranding, Section 403 (a), the designation "Chocolate Cakorettes" was false and misleading since the article contained no chocolate.

DISPOSITION: September 17, 1947. Default decree of condemnation. The product was ordered delivered to a charitable institution.

12459. Adulteration of chocolate candy. U. S. v. George Kon (Kay Candy Manufacturers). Plea of guilty. Fine, $20. (F. D. C. No. 23605. Sample Nos. 91225–H, 91226–H.)

INFORMATION FILED: November 5, 1947, District of New Jersey, against George Kon, trading as Kay Candy Manufacturers, at Newark, N. J.

ALLEGED SHIPMENT: On or about March 30 and April 1, 1947, from the State of New Jersey into the State of New York.

LABEL, IN PART: (Portion) "Barton's bonbonniere."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rat or mouse hairs, and miscellaneous dirt such as metal fragments, wood splinters, paint fragments, and nondescript material; and, Section 402 (a) (4), it was prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 14, 1948. A plea of guilty having been entered by the defendant, the court imposed a fine of $10 on each of the 2 counts.

12460. Adulteration of candy. U. S. v. 10 Boxes * * * (and 4 other seizure actions). (F. D. C. Nos. 23736, 23742, 23754, 23772, 23778. Sample Nos. 69442–H, 70036–H, 14201–K, 26406–K, 28401–K.)

LIBELS FILED: September 8, 15, 24, and 25, 1947, Eastern District of Michigan, Northern District of Indiana, District of Colorado, and Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 5, 13, 15, and 16, 1947, by the Lion Specialty Co., from Chicago, Ill.

PRODUCT: Candy. 10 boxes at Detroit, Mich.; 10 boxes at Michigan City, Ind.; 20 boxes at Fort Wayne, Ind.; 10 boxes at St. Louis, Mo.; and 830 pounds at Denver, Colo. Each box contained 23 pounds.

LABEL, IN PART: "Peanut Butter Kisses."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, larvae, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 10, 22, and 29, and December 9, 1947. Default decrees of condemnation and destruction.

12461. Adulteration of candy. U. S. v. 276 Cartons * * *. (F. D. C. No. 23811. Sample No. 26424–K.)

LIBEL FILED: October 14, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 22, 1947, by Butler Brothers, from Chicago, Ill. This was a return shipment.

PRODUCT: 276 20-pound cartons of candy at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and webbing.

DISPOSITION: November 6, 1947. Default decree of condemnation and destruction.

12462. Adulteration and misbranding of candy. U. S. v. 7 Cartons * * *. (F. D. C. No. 23693. Sample No. 572–H.)

LIBEL FILED: September 15, 1947, Southern District of Florida.

ALLEGED SHIPMENT: On or about July 30, 1947, by Frank Schute's Sons, from Philadelphia, Pa.

PRODUCT: 7 cartons, each containing 12 boxes, of candy at Miami, Fla.

LABEL, IN PART: "Schute's Rum Butter Toffee * * * Net Weight One Pound," "Social Whirls Assorted Flavors One Pound Net," or "Schute's Salt Water Taffy One Pound Net."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (a), the label statement "Made in Accordance with Pure Food Laws" was false and misleading as applied to an article which was not made in accordance with pure food laws; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The boxes contained less than 1 pound, the declared weight.)

DISPOSITION: October 24, 1947. Default decree of forfeiture and destruction.

12463. Adulteration of candy. U. S. v. 88 Boxes * * *. (F. D. C. No. 24034. Sample No. 24394–K.)

LIBEL FILED: December 23, 1947, Northern District of Iowa.

ALLEGED SHIPMENT: On or about November 19, 1947, by Fenn Brothers, Inc., from Sioux Falls, S. Dak.

PRODUCT: 88 boxes, each containing 12 bars, of English Style Toffee at Sheldon, Iowa.

LABEL, IN PART: "Fenn's Butter Brickle English Style Toffee Net Weight ¾ Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it was prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 24, 1948. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12464. Misbranding of candy. U. S. v. 158 Dozen Boxes, etc. (F. D. C. No. 23715. Sample No. 8741–K.)

LIBEL FILED: September 23, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about March 10, 1947, by Mayfair Candies, Inc., from Brooklyn, N. Y.

PRODUCT: 414 dozen boxes of candy at Jersey City, N. J. Examination showed that the boxes contained an average of 21 pieces of candy, whereas approximately 35 pieces could be placed in each box.

LABEL, IN PART: "Net weight 1½ Ozs. Dunhills Quality Candies Root Beer Drops [or "Lemon Drops," or "Wild Cherry Drops Imitation"] Mfd. by Cocilana, Inc. Brooklyn, N. Y."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container of the article was so filled as to be misleading, since approximately 14 additional pieces of candy could be placed in each box.

DISPOSITION: November 25, 1947. Default decree of condemnation. A portion of the product was ordered delivered to the Food and Drug Administration, and the remainder was ordered delivered to charitable institutions.

12465. Misbranding of candy. U. S. v. 29 Cases * * *. (F. D. C. No. 24124. Sample No. 3208–K.)

LIBEL FILED: November 24, 1947, District of Maryland.

ALLEGED SHIPMENT: On or about October 7, 1947, by Edgar P. Lewis & Sons, Inc., from Malden, Mass.

PRODUCT: 29 cases, each containing 24 1-pound packages, of candy at Baltimore, Md.

LABEL, IN PART: "Lewis 1883 Candies * * * Net Wt. 1 Lb."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (Examination showed that the product was short-weight.)

DISPOSITION: December 10, 1947. Edgar P. Lewis & Sons, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be repackaged under the supervision of the Food and Drug Administration.

SIRUP

12466. Adulteration and misbranding of sirup. U. S. v. Harry Axt. Plea of nolo contendere. Defendant sentenced to 30 days in jail and placed on probation for 2 years. (F. D. C. No. 21468. Sample Nos. 63334–H, 63340–H, 63881–H.)

INFORMATION FILED: March 28, 1947, District of New Jersey, against Harry Axt, trading at Newark, N. J.

ALLEGED SHIPMENT: Between the approximate dates of April 22 and May 29, 1946, from the State of New Jersey into the State of New York.

LABEL, IN PART: "Vermont Maple Syrup Pure Exclusive Distributors Burlington, Vt. St. Johns Boro."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), artificially flavored sugar sirup containing little, if any, maple sirup had been substituted for maple sirup.

Misbranding, Section 403 (a), the label statement "Vermont Maple Syrup Pure" was false and misleading.

DISPOSITION: June 27, 1947. A plea of nolo contendere having been entered, the defendant was sentenced to 30 days in jail, to run concurrently, on each of 5 counts. Imposition of sentence on the sixth count was suspended, and the defendant was placed on 2 years' probation.

12467. Adulteration and misbranding of sirup. U. S. v. Zall & Levinson, a partnership, and Theodore Zall, Ralph Levinson, and Philip Levinson. Pleas of nolo contendere by individual defendants. Theodore Zall sentenced to 3 months' imprisonment; Ralph Levinson, 30 days' imprisonment; and Philip Levinson, 30 days' imprisonment, which was suspended. Individual defendants placed on 3 years' probation; imposition of sentence suspended with respect to partnership. (F. D. C. No. 21537. Sample Nos. 8492–H, 8497–H, 15833–H, 42846–H, 53023–H, 59883–H.)

INFORMATION FILED: February 11, 1947, District of New Jersey, against Zall & Levinson, Newark, N. J., Theodore Zall and Ralph Levinson, partners, and Philip Levinson, an employee of the partnership.

ALLEGED SHIPMENT: Between the approximate dates of May 9 and June 1, 1946, from the State of New Jersey into the States of Connecticut, Ohio, Virginia, and Michigan.

LABEL, IN PART: "Vermont Maple Syrup Pure Exclusive Distributors Burlington, Vt. St. Johns Boro."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), artificially flavored sugar sirup containing little, if any, maple sirup had been substituted for maple sirup.

Misbranding, Section 403 (a), the label statement "Vermont Maple Syrup Pure" was false and misleading.

DISPOSITION: June 27, 1947. Pleas of nolo contendere having been entered by the individuals, the court sentenced Theodore Zall to 3 months in jail and Ralph Levinson to 30 days in jail on each of counts 1 to 11, inclusive, the sentences to run concurrently. Imposition of sentence was suspended with respect to these defendants on count 12. Philip Levinson was sentenced to 30 days in jail on all counts, which sentence was suspended. The individuals were placed on 3 years' probation, and imposition of sentence with respect to the partnership was suspended.

12468. Adulteration and misbranding of pancake sirup and misbranding of chocolate-flavored sirup. U. S. v. 10 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 23010, 23016. Sample Nos. 30472–H, 30473–H.)

LIBELS FILED: April 29 and May 7, 1947, District of Utah.

ALLEGED SHIPMENT: On or about November 12 and December 20, 1946, by Silver Hill Products, Inc., from Jersey City, N. J.

PRODUCT: 10 cases, each containing 6 cans, of pancake sirup and 46 cases, each containing 6 cans, of chocolate-flavored sirup at Salt Lake City, Utah.

LABEL, IN PART: "Maple Flavored Pancake Syrup * * * 96 Fluid Oz.," or "Van Delft's Double Strength Chocolate Flavored Syrup Net Weight 96 Fluid Ounces."

NATURE OF CHARGE: Pancake sirup. Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of

being fermented; and, Section 402 (b) (2), an article containing less soluble solids than pancake sirup had been substituted for pancake sirup.

Both products. Misbranding, Section 403 (e) (2), the articles failed to bear labels containing accurate statements of the quantity of the contents. (The products were short-volume.)

DISPOSITION: June 13, 1947. No claimant having appeared, judgments were entered ordering both products destroyed.

12469. Adulteration of sirup. U. S. v. 145 Cartons * * *. (F. D. C. No. 21757. Sample No. 32178–H.)

LIBEL FILED: November 21, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about September 13, 1946, by the Peninsula Distributing Co., from Bremerton, Wash.

PRODUCT: 145 cartons, each containing 24 1-pint jars, of sirup at Los Angeles, Calif. Examination showed that the product was undergoing fermentation.

LABEL, IN PART: "Mission Chimes Strawberry Waffle & Hot Cake Syrup California Fruit Chimes Co. San Gabriel, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: February 28, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12470. Misbranding of sirup. U. S. v. 20 Cases * * *. (F. D. C. No. 23718. Sample No. 4442–K.)

LIBEL FILED: September 25, 1947, District of New Hampshire.

ALLEGED SHIPMENT: On or about April 29, 1947, by the Harman Products Co., from Bushwick, N. Y.

PRODUCT: 20 cases, each containing 24 16-ounce bottles, of sirup at Manchester, N. H.

LABEL, IN PART: "Maplekist Syrup Contents 16 Fluid Oz."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a dilute solution of water, sugar or sugars, gums, artificial flavor, and benzoate of soda, containing less sugars than are contained in maple sirup, had been subtituted for maple sirup, which the article purported to be, since it had the appearance and a slight flavor of maple sirup, and the name "Maplekist" suggested that the article was maple sirup.

Misbranding, Section 403 (a), the label designation "Maplekist Syrup" was misleading; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The bottles contained less than the amount declared.)

DISPOSITION: December 15, 1947. Default decree of condemnation. The product was ordered delivered to a public institution.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, **Nos. 12471 to 12480**; that was below the legal standard for milk fat content, **Nos. 12481 to 12488**; and that was short of the declared weight, **No. 12488.**

12471. Adulteration of butter and process cheese. U. S. v. Frank Pilley & Sons, Inc., and Frank E. Pilley, Jr., Mark A. Pilley, Jacob W. Teubel, William Christianson, and Scott J. Davis. Pleas of guilty. Corporation fined $1,600 and costs; individual defendants each fined $40. (F. D. C. No. 22028. Sample Nos. 3299–H, 3300–H, 51443–H to 51446–H, incl., 51555–H, 51580–H, 63800–H, 64802–H.)

INFORMATION FILED: April 29, 1947, Northern District of Iowa, against Frank Pilley & Sons, Inc., Sioux City, Iowa, and Frank E. Pilley, Jr., president of the corporation, Mark A. Pilley, vice president, and Jacob W. Teubel, William Christianson, and Scott J. Davis.

ALLEGED SHIPMENT: Between the approximate dates of August 27 and October 8, 1946, from the State of Iowa into the States of Maryland, New York, and South Dakota.

LABEL, IN PART: "Butter," or "Pilley's Pasteurized Process Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insect fragments, setae, mites, rodent hair fragments, manure fragments, feather fragments, metal and paint fragments, nondescript dirt, and cow hair; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: August 27, 1947. Pleas of guilty having been entered on behalf of the defendants, the corporation was fined $1,600 and costs, and each of the other five defendants was fined $40.

12472. Adulteration of butter. U. S. v. 8 Boxes (400 pounds) * * *. (F. D. C. No. 23830. Sample No. 83161–H.)

LIBEL FILED: August 19, 1947, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about August 15, 1947, by French-Bauer, Inc., from Cincinnati, Ohio.

PRODUCT: 8 boxes, each containing 50 1-pound cartons, of butter at Covington, Ky.

LABEL, IN PART: (Carton) "Quarters One Pound Net Weight Clover Blossom Brand Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance, since it was made from decomposed cream, as evidenced by a high mold mycelia count.

DISPOSITION: September 25, 1947. French-Bauer, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was converted into salvage fat for technical use.

12473. Adulteration of butter. U. S. v. 69 Cartons (approximately 4,554 pounds) * * *. (F. D. C. No. 23677. Sample No. 76963–H.)

LIBEL FILED: August 19, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about August 5, 1947, by Langenfeld Bros. Produce Co., Watertown, S. Dak.

PRODUCT: 69 cartons, each containing approximately 66 pounds, of butter at New York, N. Y. Examination showed that the product contained whole insects, insect fragments, mites, moth scales, feather barbules, rodent hairs, manure fragments, sand, dirt, plant matter, and metal.

LABEL, IN PART: "Creamery * * * George Wittner & Co., Inc. 622 New York."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 7, 1947. George Wittner & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as soap stock, under the supervision of the Food and Drug Administration.

12474. Adulteration of butter. U. S. v. 30 Cartons (approximately 944 pounds) * * *. (F. D. C. No. 23825. Sample Nos. 84883–H, 84884–H, 84918–H.)

LIBEL FILED: August 28, 1947, Western District of New York.

ALLEGED SHIPMENT: On or about July 23 and August 2, 1947, by Langenfeld Bros. Produce Co., Watertown, S. Dak., and Midwest Dairies Dispatch, Minneapolis, Minn.

PRODUCT: 29 cartons, each containing approximately 32 1-pound prints, and 1 carton, containing 16 1-pound prints, of butter at Buffalo, N. Y. The product had been shipped in bulk cubes weighing approximately 64 pounds and was printed by the consignee.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance (Samples contained insect and rodent filth, foreign matter, and manure fragments.); and, Section 402 (a) (4), it

had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 30, 1947. Default decree of condemnation. The product was ordered denatured and sold for use in the manufacture of soap.

12475. Adulteration of butter. U. S. v. 24 Cartons (1,536 pounds) * * *. (F. D. C. No. 23823. Sample No. 87944–H.)

LIBEL FILED: August 29, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about August 13, 1947, by the George Ehlenberger Co., from West Mason City, Iowa.

PRODUCT: 24 64-pound cartons of butter at New York, N. Y. Analysis disclosed that the product contained whole insects, insect fragments, rodent hair fragments, manure fragments, plant fragments, rust and metal, and sand and dirt.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 7, 1947. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as animal feed.

12476. Adulteration of butter. U. S. v. 50 Cases * * *. (F. D. C. No. 24155. Sample No. 19027–H.)

LIBEL FILED: September 25, 1947, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about September 17, 1947, by the Merchants Creamery Co., from Cincinnati, Ohio.

PRODUCT: 50 20-pound cases of butter at Charleston, W. Va. Analysis disclosed that the product contained mold.

LABEL, IN PART: "Krogers Country Club Quality Brand Butter Packed for The Kroger Grocery & Baking Co., General Offices, Cincinnati, Ohio."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed animal substance.

DISPOSITION: November 18, 1947. The Merchants Creamery Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the purpose of salvaging or reconditioning the butter, under the supervision of the Federal Security Agency, so that it would comply with the law.

12477. Adulteration of butter. U. S. v. 17 Cases * * *. (F. D. C. No. 24145. Sample No. 22414–K.)

LIBEL FILED: November 3, 1947, District of Alabama.

ALLEGED SHIPMENT: On or about October 14 and 21, 1947, by the Cudahy Packing Co., from Nashville, Tenn.

PRODUCT: 5 cases, each containing 32 1-pound cartons, and 12 cases, each containing 12 1-pound cartons, of butter at Birmingham, Ala.

LABEL, IN PART: "Sunlight Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed animal substance. (Examination showed that the product had a high mold mycelia count.)

DISPOSITION: December 3, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold for use in the manufacture of grease, glycerin, or soap.

12478. Adulteration of butter. U. S. v. 7 Cases * * *. (F. D. C. No. 23923. Sample No. 18603–K.)

LIBEL FILED: September 22, 1947, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about September 8, 1947, by the Kyle Creamery Association, from Aurora, Ind.

PRODUCT: 7 30-pound cases of butter at Newport, Ky.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance, since it was made from decomposed cream, as evidenced by a high mold mycelia count.

DISPOSITION: October 16, 1947. Default decree of condemnation. The product was ordered sold for technical use for fat salvage purposes.

12479. Adulteration of butter. U. S. v. 6 Cases * * *. (F. D. C. No. 24148. Sample No. 30016–K.)

LIBEL FILED: October 21, 1947, District of Arizona.

ALLEGED SHIPMENT: On or about September 9, 1947, by the San Juan Creamery Company, from Durango, Colo.

PRODUCT: 6 cases, each containing 30 pounds, of butter at Phoenix, Ariz.

LABEL, IN PART: "Mission Gold Brand Butter One Pound Net Weight."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it was prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 4, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12480. Adulteration of butter. U. S. v. 4 Cases * * *. (F. D. C. No. 23921. Sample No. 305–K.)

LIBEL FILED: September 18, 1947, Middle District of Georgia.

ALLEGED SHIPMENT: On or about August 30, 1947, by Armour Creameries, Louisville, Ky.

PRODUCT: 4 cases, each containing 32 pounds, of butter at Columbus, Ga.

LABEL, IN PART: "Goldendale Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance. (The butter contained mold.)

DISPOSITION: October 27, 1947. Default decree of condemnation. It was ordered that the product be denatured and that the fat be salvaged.

12481. Adulteration of butter. U. S. v. Sunshine Mercantile Co. Plea of nolo contendere. Fine, $500. (F. D. C. No. 23572. Sample Nos. 15536–H, 15537–H, 38062–H.)

INFORMATION FILED: September 22, 1947, District of Colorado, against the Sunshine Merchantile Co., a corporation, Denver, Colo.

ALLEGED SHIPMENT: On or about April 16 and 29, 1947, from the State of Colorado into the State of Illinois.

LABEL, IN PART: (Cartons) "From the Sunshine Mercantile Co., Makers of Sunshine Butter * * * To Peter Fox and Sons, 1122 Fulton Chicago, Illinois 68# Butter Trinidad Creamery Company, Trinidad, Colo.," or "Butter—72 lbs. Net Manufactured by Farmers Equity Co-Op Cry. Assn. Denver, Colo."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1) a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 14, 1947. A plea of nolo contendere having been entered, the court imposed a fine of $250 on each of the 2 counts of the information.

12482. Adulteration of butter. U. S. v. 15 Boxes (approximately 990 pounds) * * *. (F. D. C. No. 24201. Sample No. 8822–K.)

LIBEL FILED: December 5, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about March 11, 1947, by the General Ice Cream Corp., from Pelican Rapids, Minn.

PRODUCT: 15 boxes, each containing approximately 66 pounds, of butter at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: December 24, 1947. Breakstone Bros., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reworked, under the supervision of the Federal Security Agency.

12483. Adulteration of butter. U. S. v. 15 Boxes (960 pounds) * * *. (F. D. C. No. 23827. Sample No. 24101–K.)

LIBEL FILED: September 11, 1947, District of Minnesota.

ALLEGED SHIPMENT: On or about July 23, 1947, by the Richland Cooperative Creamery Co., from Richland Center, Wis.

PRODUCT: 15 64-pound boxes of butter at St. Paul, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 22, 1947. The Richland Cooperative Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Federal Security Agency.

12484. Adulteration of butter. U. S. v. 7 Cartons * * * (and 1 other seizure action; 1,141 pounds, total). (F. D. C. Nos. 24202, 24203. Sample Nos. 8824–K, 8826–K.)

LIBELS FILED: December 4 and 9, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about July 29, 1946, and July 19, 1947, by the Berger Creamery Company, from South Sioux City, Nebr.

PRODUCT: 11 boxes, each containing 63 pounds, and 7 cartons, each containing 64 pounds, of butter at New York, N. Y.

LABEL, IN PART: "Butter Breakstone Bros., Inc. Distributors New York," or "Breakstone's Best Sweet Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: December 24, 1947. Breakstone Bros., Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for reworking and reconditioning, to comply with the law, under the supervision of the Federal Security Agency.

12485. Adulteration of butter. U. S. v. 11 Cartons (704 pounds) * * *. (F. D. C. No. 23926. Sample No. 24804–K.)

LIBEL FILED: October 4, 1947, District of Minnesota.

ALLEGED SHIPMENT: On or about September 13, 1947, by the Hankinson Cooperative Creamery, from Hankinson, N. Dak.

PRODUCT: 11 cartons, each containing 64 pounds, of butter at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 27, 1947. The Hankinson Cooperative Creamery, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Federal Security Agency.

12486. Adulteration of butter. U. S. v. 3 Cartons (180 pounds) * * *. (F. D. C. No. 21276. Sample No. 63797–H.)

LIBEL FILED: On or about September 30, 1946, Eastern District of New York.

ALLEGED SHIPMENT: On or about September 7, 1946, by Myers Produce Creamery, from Bourbon, Ind.

PRODUCT: 3 60-pound cartons of butter at New York, N. Y.

LABEL, IN PART: "Weissglass Gold Seal Dairy Corp. Forest Avenue, Staten Island, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 25, 1946. No claimant having appeared, judgment of condemnation was entered and it was ordered that the butter be examined and, if fit for human consumption, delivered to a public hospital. In the event that the butter should be found unfit for human consumption, it was ordered that the butter be converted into fat for industrial use.

12487. Adulteration of butter. U. S. v. 69 Prints (69 pounds) * * *. (F. D. C. No. 24333. Sample No. 24889–K.)

LIBEL FILED: December 19, 1947, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about December 15, 1947, by the Caledonia Cooperative Creamery, from Caledonia, Minn.

PRODUCT: 69 1-pound prints of butter at La Crosse, Wis.

LABEL, IN PART: "Land O'Lakes Sweet Cream Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: January 20, 1948. The Caledonia Cooperative Creamery, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be salvaged for human consumption, under the supervision of the Federal Security Agency.

12488. Adulteration and misbranding of butter and cheese and misbranding of dried whole eggs. U. S. v. 99 Tins of Butter (99 pounds), etc. (F. D. C. No. 20788. Sample Nos. 63448–H to 63450–H, incl.).

LIBEL FILED: September 9, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about August 7, 1946, by the Coburn Farm Products Corporation, from New York, N. Y.

PRODUCT: 99 tins of butter, 4 tins of processed Cheddar cheese, and 154 tins of dried whole eggs at Newark, N. J.

LABEL, IN PART: "I pound Net Wt. Sondra Creamery Butter Packed by Samuel Dunkel & Co., Inc., New York, N. Y.," "Sondra Quality Brand Process Cheddar Cheese One pound Net Weight," or (eggs) "U. S. Navy Emergency Ration * * * Biscuits."

NATURE OF CHARGE: Butter. Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter. Misbranding, Section 403 (e) (2), the label failed to bear an accurate statement of the quantity of the contents. (The article was short-weight.)

Processed Cheddar cheese. Adulteration, Section 402 (b) (2), an article containing excessive moisture and deficient in milk fat had been substituted in whole or in part for processed Cheddar cheese. Misbranding, Section 403 (e) (2), the label failed to bear an accurate statement of the quantity of the contents. (The article was short-weight.)

Dried whole eggs. Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the label failed to bear the common or usual name of the article.

DISPOSITION: November 24, 1947. Default decree of condemnation and destruction.

CHEESE*

12489. Adulteration of Cheddar cheese. U. S. v. Farmers Associated Industries, Inc. (Collierville Dairy Products Co.). Plea of nolo contendere. Judgment of guilty. Fine, $500. (F. D. C. No. 22075. Sample No. 49525–H.)

INFORMATION FILED: November 14, 1947, Western District of Tennessee, against Farmers Associated Industries, Inc., a corporation, trading as the Collierville Dairy Products Co., Collierville, Tenn.

ALLEGED SHIPMENT: On or about September 1, 1946, from the State of Tennessee into the State of Mississippi.

LABEL, IN PART: "Collierville Cheddar Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of manure fragments, a hair fragment resembling rodent hair, insect fragments, and feather fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 21, 1947. A plea of nolo contendere having been entered, the court found the defendant guilty and imposed a fine of $500.

12490. Adulteration of Cheddar cheese. U. S. v. Schley Cheese Co. and Stuart C. Johnsrud. Plea of guilty. Fine, $200 and costs. (F. D. C. No. 24049. Sample Nos. 87063–H, 89541–H.)

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*See also Nos. 12471, 12488, 12497.

INFORMATION FILED: December 10, 1947, Northern District of Iowa, against the Schley Cheese Co., trading at Schley (post office, Cresco), Iowa, and Stuart C. Johnsrud, a partner in the firm.

ALLEGED SHIPMENT: On or about April 30 and July 28, 1947, from the State of Iowa into the State of Wisconsin.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, rodent hair, cow hair, feather fragments, manure, sediment, and mites.

DISPOSITION: December 10, 1947. A plea of guilty having been entered, the defendant was fined $200, plus costs.

12491. Adulteration of cheese food and process cheese. U. S. v. Central Cheese Company, Inc. Plea of guilty. Fine, $2,000. (F. D. C. No. 21540. Sample Nos. 15386–H, 63788–H.)

INFORMATION FILED: January 29, 1947, Western District of Wisconsin, against the Central Cheese Company, Inc., Marshfield, Wis.

ALLEGED SHIPMENT: On or about August 23, 1946, from the State of Wisconsin into the States of New Jersey and Illinois.

LABEL, IN PART: "Savory Sharp Cheese Food," or "Central Pasteurized Process Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, cow and other hairs, feather fragments, manure fragments, and nondescript dirt; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 6, 1947. A plea of guilty having been entered, the defendant was fined $2,000.

12492. Adulteration of process cheese food and process cheese. U. S. v. 43 Cartons, etc. (F. D. C. No. 23402. Sample Nos. 77493–H, 77495–H.)

LIBEL FILED: August 8, 1947, District of Minnesota.

ALLEGED SHIPMENT: On or about July 16 and 22, 1947, by the Bridgeman Creameries, Inc., from Grand Forks, N. Dak.

PRODUCT: 43 cartons, each containing 12 2-pound packages, of process cheese food and 49 5-pound cartons of process cheese at Minneapolis, Minn.

LABEL, IN PART: "Bridgette Pasteurized American Process Cheese Food," or "Bridgeman American Pasteurized Process Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and manure fragments, and by reason of the use of filthy milk in its preparation; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 6, 1947, The Bridgeman Creameries, Inc., Duluth, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed and relabeled and disposed of in a manner approved by the Food and Drug Administration.

12493. Adulteration of Cheddar cheese. U. S. v. 45 Boxes * * *. (F. D. C. No. 23690. Sample No. 55445–H.)

LIBEL FILED: September 12, 1947, Western District of South Carolina.

ALLEGED SHIPMENT: On or about July 22, 1947, by Armour Creameries, from Louisville, Ky.

PRODUCT: 45 boxes, each containing approximately 23 pounds, of Cheddar cheese at Greenville, S. C.

LABEL, IN PART: "Kentucky Colored Cheddar Cheese Pasteurized Manufactured by H B Milk Company, Frankfort, Ky."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments, and by reason of the use of filthy milk in its preparation; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 21, 1947. Default decree of condemnation and destruction.

12494. Adulteration of brick cheese. U. S. v. 5 Cases * * * (F. D. C. No. 23448. Sample No. 94181–H.)

LIBEL FILED: September 5, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 31, 1947, by C. F. Franke, from Ashippun, Wis.

PRODUCT: 5 cases, each containing 10 5-pound loaves, of brick cheese at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: October 3, 1947. Default decree of condemnation and destruction.

12495. Adulteration of fresh curd cheese. U. S. v. 5 Bundles * * * (F. D. C. No. 23852. Sample No. 6605–K.)

LIBEL FILED: October 20, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about October 9, 1947, by the Delaware Valley Creamery Co., Inc., from Cambridge Springs, Pa.

PRODUCT: 5 50-pound bundles of fresh curd cheese at Yonkers, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, flies, and other insects, together with the use of uncleaned containers; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 6, 1947. Default decree of condemnation and destruction.

12496. Adulteration and misbranding of grated cheese. U. S. v. 49 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 21994, 22659, 22662. Sample Nos. 64631–H, 64648–H, 74446–H, 74447–H.)

LIBELS FILED: December 23, 1946, and March 21, 1947, District of Connecticut and District of Rhode Island.

ALLEGED SHIPMENT: Between the approximate dates of September 25, 1946, and January 30, 1947, by the Quality Grated Cheese Co., from Roxbury and Boston, Mass.

PRODUCT: 49 cases at New Haven, Conn., and 20 cases at Providence, R. I., each case containing 24 jars of grated cheese.

LABEL, IN PART: (Jars) "Quality Brand Roman Style Grated Cheese Made from Partially Skim Milk Net Wgt. 2½ Ozs. When Packed."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance high in lactose had been substituted in whole or in part for grated cheese, which the product was represented to be.

Misbranding, Section 403 (a), the label designation "Roman Style Grated Cheese" was false and misleading, since the article contained a milk product other than cheese; and (New Haven lot), Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The product contained from 12 to 17 percent lactose, indicating the presence of a milk product other than cheese. One lot was short-weight.)

DISPOSITION: February 21 and May 27, 1947. No claimant having appeared, judgments of condemnation were entered. The New Haven lot was ordered delivered to charitable institutions, and the remaining lots were ordered destroyed.

MISCELLANEOUS DAIRY PRODUCTS

12497. Adulteration of curd and adulteration and misbranding of cheese. U. S. v. Parley Lambert (Sweet Clover Creamery). Plea of guilty. Fine, $150. (F. D. C. No. 20939. Sample Nos. 43834–H, 45835–H, 47490–H.)

INFORMATION FILED: October 8, 1946, District of Utah, against Parley Lambert, trading as the Sweet Clover Creamery, Mt. Emmons, Utah.

ALLEGED SHIPMENT: On or about March 25 and May 27, 1946, from the State of Utah into the State of California.

LABEL, IN PART: "To El Rey Cheese Co. Los Angeles Cal. Sweet Clover Creamery."

NATURE OF CHARGE: Curd and Cheddar cheese. Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of (in the curd) rodent hairs, an insect leg, and nondescript dirt, and (in the Cheddar cheese) insect parts, rodent hairs, feather fragments and feather barbules, plant particles, and nondescript dirt; and, Section 402 (a) (4), they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

Colby cheese. Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for Colby cheese, since it contained more than 40 percent of moisture and its solids contained less than 50 percent of milk fat.

DISPOSITION: February 21, 1947. A plea of guilty having been entered by the defendant, the court imposed a fine of $150.

12498. Adulteration and misbranding of dried whey. U. S. v. Nelson-Ricks Creamery Co. Plea of guilty. Fine, $50. (F. D. C. No. 23245. Sample No. 70552–H.)

INFORMATION FILED: September 22, 1947, District of Idaho, against the Nelson-Ricks Creamery Co., a corporation, Rexburg, Idaho.

ALLEGED SHIPMENT: On or about May 4, 1946, from the State of Idaho into the State of California.

LABEL, IN PART: "Edible Milk By-products (Dried)."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of a cereal product of high starch content and milk by-products had been substituted for milk by-products.

Misbranding, Section 403 (a), the statement "Milk By-products" was false and misleading.

DISPOSITION: October 13, 1947. A plea of guilty having been entered on behalf of the defendant, a fine of $50 was imposed.

12499. Adulteration of ice cream. U. S. v. Steffen Ice & Ice Cream Co. (F. D. C. No. 21576. Sample Nos. 48542–H, 48543–H, 48546–H.)

INFORMATION FILED: May 10, 1947, Northern District of Texas, against the Steffen Ice & Ice Cream Company, a corporation, Amarillo, Tex.

ALLEGED SHIPMENT: On or about October 19, 20, and 24, 1946, from the State of Texas into the State of New Mexico.

LABEL, IN PART: (Portion) "Vanilla One Pint Steffen's Ice Cream Artificially Flavored Manufactured by Steffen Ice & Ice Cream Company Wichita, Arkansas City, Kansas—Amarillo, Texas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hair and other hairs, feather barbules, and nondescript dirt; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 2, 1947. A plea of nolo contendere having been entered, the court imposed fines totaling $150.

12500. Adulteration of cream. U. S. v. 1 10-Gallon Can * * * (and 5 other seizure actions). (F. D. C. Nos. 21283 to 21286, incl., 21289, 21290. Sample Nos. 59761–H, 59780–H, 59781–H, 59783–H, 59794–H, 60505–H.)

LIBELS FILED: August 26 and September 16, 17, and 30, 1946, Western District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of August 22 and September 25, 1946. Two cans were shipped by the Fairmont Creamery Co., and 1 can by C. M. Walker, from Strasburg, Va.; 3 cans, by Eston Judy, from Petersburg, W. Va.; 1 can, by C. M. Russell, from Winchester, Va.; and 1 can, by Fred Farhart, from Middlebourne, W. Va.

PRODUCT: 8 10-gallon cans of cream at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, decomposed, or putrid substance.

DISPOSITION: August 27 and September 16, 17, and 30, 1946. The consignees having consented to the immediate destruction of the cream, judgments were entered ordering that the product be destroyed.

12501. Adulteration of cream. U. S. v. 1 10-Gallon Can * * *. (F. D. C. No. 23537. Sample No. 91540–H.)

LIBEL FILED: February 26, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about February 20, 1947, by the Mid State Creamery, from Hastings, Nebr.

PRODUCT: 1 10-gallon can of cream at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and putrid substance.

DISPOSITION: February 26, 1947. The consignee having consented, judgment was entered for the immediate destruction of the product.

12502. Misbranding of oleomargarine. U. S. v. 49 Cases * * *. (F. D. C. No 23768. Sample No. 20903–K.)

LIBEL FILED: September 22, 1947, District of Kansas.

ALLEGED SHIPMENT: On or about August 29, 1947, by Kent Products, Inc., from Kansas City, Mo.

PRODUCT: 49 cases, each containing 32 1-pound cartons, of oleomargarine at Topeka, Kans.

LABEL, IN PART: "Richmade Vegetable Oleomargarine."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oleomargarine, since it contained less than 80 percent fat.

DISPOSITION: October 25, 1947. Kent Products, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was reworked.

EGGS*

12503. Adulteration of frozen whole eggs. U. S. v. Columbia Produce, Inc., Jacob Klempf, and Herman Schneider. Pleas of nolo contendere. Fine of $500 against the corporation and a fine of $200 and a sentence of 60 days in jail against each individual. The jail sentence of Herman Schneider was suspended, and he was placed on probation for 1 year. (F. D. C. No. 23589. Sample No. 39189–H.)

INFORMATION FILED: October 8, 1947, Western District of Wisconsin, against Columbia Produce, Inc., Portage, Wis., and Jacob Klempf, president, and Herman Schneider, secretary-treasurer, of the corporation.

ALLEGED SHIPMENT: On or about April 14, 1947, from the State of Wisconsin into the State of Illinois.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: October 11, 1947. Pleas of nolo contendere having been entered, the court imposed a fine of $500 against the corporation and a fine of $200 and a sentence of 60 days in jail against each individual. The jail sentence of Herman Schneider was suspended, and he was placed on probation for 1 year.

12504. Adulteration of frozen whole eggs. U. S. v. 360 Cans * * *. (F. D. C. No. 24041. Sample No. 26340–K.)

LIBEL FILED: December 24, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 11, 1947, by the Booth Cold Storage Co., from St. Paul, Minn.

PRODUCT: 360 30-pound cans of frozen whole eggs at St. Louis, Mo.

LABEL, IN PART: "Fancy Whole Eggs * * * Foures, Inc., St. Paul, Minnesota."

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*See also No. 12488.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 21, 1948. Foures, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the segregation and the denaturing of the unfit portion, under the supervision of the Federal Security Agency.

12505. Adulteration of shell eggs. U. S. v. 500 Cases * * *. (F. D. C. No. 23786. Sample No. 22406–K.)

LIBEL FILED: October 2, 1947, Northern District of Alabama.

ALLEGED SHIPMENT: On or about September 13, 1947, by United States Warehouse, from Detroit, Mich.

PRODUCT: 500 cases each containing 30 dozen shell eggs at Birmingham, Ala.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rotten and moldy eggs.

DISPOSITION: October 17, 1947. The Meadowbrook Produce Company, Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

FEEDS AND GRAINS

12506. Adulteration and misbranding of meat scraps. U. S. v. Edward E. McLean (Triangle Feed Co.). Plea of guilty. Fine, $150 and costs. (F. D. C. No. 21548. Sample Nos. 19571–H, 25376–H, 33241–H.)

INFORMATION FILED: February 28, 1947, Southern District of Illinois, against Edward E. McLean, trading as the Triangle Feed Co., Lynn Center, Ill.

ALLEGED SHIPMENT: On or about January 25, April 30, and May 7, 1946, from the State of Illinois into the States of Kansas, Texas, and Iowa.

NATURE OF CHARGE: One shipment. Adulteration, Section 402 (b) (2), a substance containing soybean meal and calcium carbonate had been substituted for meat scraps. Misbranding, Section 403 (i) (2), the article was fabricated from 2 or more ingredients, and its label failed to bear the common or usual name of each ingredient.

Remaining shipments. Misbranding, Section 403 (a), the label statements "Protein, not less than 55%" and "Fibre, not more than 3%" were false and misleading, since the article contained less than 55 percent of protein and one lot contained more than 3 percent of fiber.

DISPOSITION: March 6, 1947. A plea of guilty having been entered, the court imposed a fine of $150, plus costs.

12507. Misbranding of Meat Meal. U. S. v. Geis Mills, a partnership, and Clarence G. Geis. Pleas of guilty. Each defendant fined $50 on count 1. Sentence suspended on counts 2 and 3, and individual defendant placed on probation for 18 months. (F. D. C. No. 22089. Sample Nos. 72330–H, 72339–H, 72370–H.)

INFORMATION FILED: June 15, 1947, Western District of Oklahoma, against Geis Mills, a partnership, Enid, Okla., and Clarence G. Geis, a partner; charging shipment from the State of Oklahoma into the State of Kansas.

ALLEGED SHIPMENT: On or about October 12, 22, and 28, 1946, from the State of Oklahoma into the State of Kansas.

LABEL, IN PART: "Biddy's Best Meat Meal."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Guaranteed Analysis * * * Crude Protein, not less than * * * 50.00%" was false and misleading. The article contained less than the declared amount of crude protein.

DISPOSITION: July 25, 1947. Pleas of guilty having been entered, the court imposed a fine of $50 each, against the individual and partnership on count 1 and suspended sentence on counts 2 and 3. In addition, the court placed the individual defendant on probation for a period of 18 months.

12508. Misbranding of dairy feed. U. S. v. Shawnee Milling Co. (Hugo Milling Co.). Plea of nolo contendere. Fine, $150. (F. D. C. No. 22052. Sample No. 33285–H.)

INFORMATION FILED: On or about April 22, 1947, Eastern District of Oklahoma, against the Shawnee Milling Co., a corporation, trading as the Hugo Milling Co., at Hugo, Okla.

ALLEGED SHIPMENT: On or about September 10, 1946, from the State of Oklahoma into the State of Texas.

LABEL, IN PART: "Carnation Brand Dairy Feed."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Guaranteed Analysis Crude Protein Not Less Than 16.60 Percent * * * Crude Fiber Not More Than 13.60 Percent" were false and misleading, since the article contained less than 16.60 percent of protein and more than 13.60 percent of crude fiber.

DISPOSITION: July 15, 1947. A plea of nolo contendere having been entered, the court imposed a fine of $150.

12509. Misbranding of egg mash. U. S. v. 300 Bags * * *. (F. D. C. No. 21670. Sample No. 54596–H.)

LIBEL FILED: November 25, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about July 13, 1946, by the Sioux Soya Co., from Sioux City, Iowa.

PRODUCT: 300 100-pound bags of egg mash at Gainesville, Ga.

LABEL, IN PART: "18% Egg Mash."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Maximum Crude Fibre 7%" was false and misleading as applied to the article, which contained 11.5 percent of crude fiber.

DISPOSITION: February 7, 1947. J. D. Jewell, Inc., Gainesville, Ga., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be denatured and utilized for hog and dairy feed, under the supervision of the Food and Drug Administration.

FISH AND SHELLFISH

12510. Adulteration of frozen halibut. U. S. v. 1,754 Pounds * * *. (F. D. C. No. 23845. Sample No. 8705–K.)

LIBEL FILED: October 14, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about July 8, 1947, by North Sidney Agencies, Ltd., from North Sidney, Nova Scotia, Canada.

PRODUCT: 1,754 pounds of frozen halibut at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 17, 1947. Default decree of condemnation and destruction.

12511. Adulteration of frozen yellow pike. U. S. v. 353 Pounds and 664 Pounds * * *. (F. D. C. No. 23864. Sample Nos. 8707–K, 8708–K.)

LIBEL FILED: October 23, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about September 9, 1947, by the Main Fish Co., from Montreal, Canada.

PRODUCT: 1,017 pounds of frozen yellow pike at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 17, 1947, Default decree of condemnation and destruction.

12512. Adulteration of frozen tullibees. U. S. v. 29 Boxes * * *. (F. D. C. No. 23966. Sample Nos. 7802–K, 7804–K.)

LIBEL FILED: November 7, 1947, Western District of New York.

ALLEGED SHIPMENT: On or about October 28, 1947, by the Baltimore Fish & Oyster Co., from Fort Erie, Ontario, Canada.

PRODUCT: 21 100-pound boxes and 8 50-pound boxes of frozen tullibees at Buffalo, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: December 10, 1947. Default decree of condemnation and destruction.

12513. Adulteration and misbranding of canned salmon. U. S. v. 1,000 Cartons * * *. (F. D. C. No. 23634. Sample No. 66771–H.)

LIBEL FILED: August 14, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about July 19, 1947, by the Kent Packing Co., from Rock Hall, Md.

PRODUCT: 1,000 cartons, each containing 24 15½-ounce cans, of salmon at New York, N. Y.

LABEL, IN PART: (Cans) "Jo-Mey Pink Salmon Food Marketers Distributors New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product other than pink salmon had been substituted in whole or in part for pink salmon.

Misbranding, Section 403 (a), the label designation "Pink Salmon" was false and misleading as applied to an article other than pink salmon.

DISPOSITION: October 9, 1947. Joseph Spira, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Food and Drug Administration.

12514. Adulteration of Saliniase Bagong fish. U. S. v. 14 Cases * * *. (F. D. C. No. 23063. Sample No. 75730–H.)

LIBEL FILED: June 10, 1947, District of Hawaii.

ALLEGED SHIPMENT: On or about May 13, 1947, by American Factors, Ltd., from San Francisco, Calif.

PRODUCT: 14 cases, each containing 24 14-ounce jars, of Saliniase Bagong fish at Ahukini, T. H.

LABEL, IN PART: "Estancia Brand Saliniase Bagong Fish * * * Packed for Modern Food Products."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: August 1, 1947. Default decree of condemnation and destruction.

12515. Misbranding of fibered codfish. U. S. v. 14 Cases * * *. (F. D. C. No. 23495. Sample No. 87633–H.)

LIBEL FILED: July 14, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about April 2, 1947, by J. W. Beardsley's Sons, Newark, N. J.

PRODUCT: 14 5-pound cases of fibered codfish at New York, N. Y. Examination showed that the product contained numerous small bones; however, the term "fibered codfish" is employed in the trade to apply to a boneless, shredded codfish.

LABEL, IN PART: "Matchless Fibered Codfish in Bulk."

NATURE OF CHARGE: Misbranding, Section 403 (a), the name "Fibered Codfish" was false and misleading as applied to a product from which little or none of the bones had been removed.

DISPOSITION: August 27, 1947. Default decree of condemnation and destruction.

12516. Adulteration and misbranding of crab meat. U. S. v. 87 Cases * * * (and 5 other seizure actions). (F. D. C. Nos. 21259, 21592, 21601, 21669, 21966, 23094. Sample Nos. 57165–H, 57767–H, 63482–H, 64582–H, 65235–H, 65941–H, 66014–H, 83258–H.)

LIBELS FILED: Between the approximate dates of October 25, 1946, and June 27, 1947, District of Rhode Island, Eastern District of Pennsylvania, District of New Jersey, District of Massachusetts, and Northern District of Ohio.

ALLEGED SHIPMENT: Between the approximate dates of June 28 and August 14, 1946, by the L. C. Mays Co., from New Orleans, La.

PRODUCT: 431 cases, each containing 24 cans, of crab meat at Providence, R. I.; Allentown and Easton, Pa.; Perth Amboy, N. J.; Worcester, Mass.; and Cleveland, Ohio.

LABEL, IN PART: (Can) "High Sea Brand Net Wt. 7 9/10 Ozs. [or "Drained Weight 6½ Ozs."] Vacuum Packed White Meat American Crab Meat," or "High Sea Brand Jumbo Lumps American Crab Meat Wt. 7 9/10 Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance; and, Section 402 (b) (2), brine had been substituted in part for crab meat, in the Providence, Allentown, Easton, and Perth Amboy lots. (The drained weight averaged 5.46, 5.93, 6.23, and 6.76 ounces in the 4 shipments. The cans should have contained 8.24 ounces of drained crab meat.)

Misbranding, Section 403 (e) (2), some of the cans in the Easton lot failed to bear a label containing an accurate statement of the quantity of the contents. (The drained weight was less than declared.)

DISPOSITION: Between January 20 and December 3, 1947. The Brignac Canning Co., New Orleans, La., having appeared as claimant for the Pennsylvania lots, and no claimant having appeared for the other lots, judgments of condemnation were entered. The Pennsylvania lots were ordered released under bond for the segregation and the destruction of the unfit portion and the relabeling of the good portion, and the other lots were ordered destroyed.

12517. Adulteration of crab meat. U. S. v. 463 Cans * * *. (F. D. C. No. 23912. Sample Nos. 90370–H.)

LIBEL FILED: August 29, 1947, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 26, 1947, by Whorton Brothers, from Oriental, N. C.

PRODUCT: 463 1-pound cans of crab meat at Philadelphia, Pa.

LABEL, IN PART: "Whorton Brothers Claw Crabmeat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy animal substance. (Examination showed that the product was contaminated with *E. coli* of fecal origin.)

DISPOSITION: October 13, 1947. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

CANNED AND DRIED FRUIT

12518. Misbranding of canned apricots and peaches and canned tomato juice. U. S. v. Colo-Flavor Products, Inc., and Everett E. Moore. Plea of guilty on behalf of the corporation; plea of nolo contendere by the individual. Fines, $1,000 against the corporation and $500 against the individual. (F. D. C. No. 23329. Sample Nos. 1986–H, 41333–H, 44969–H, 51496–H, 51498–H, 51700–H, 68084–H, 73368–H, 74001–H, 91803–H.)

INFORMATION FILED: September 3, 1947, District of Colorado, against Colo-Flavor Products, Inc., Palisade, Colo., and Everett F. Moore, sales manager for the corporation.

ALLEGED SHIPMENT: Between the approximate dates of October 11 and December 21, 1946, from the State of Colorado into the States of Minnesota, Arizona, Missouri, North Carolina, Massachusetts, Nebraska, and Texas.

LABEL, IN PART: "Colo-Mesa Tree Ripened Whole Unpitted Apricots * * * Packed by Colo-Flavor Products, Inc., Palisade, Colorado," "Colo-Mesa Brand Whole Apricots * * * Farmers Union, Palisade, Colorado," "Colo-Mesa Halves Yellow Freestone Elberta Peaches * * * Packed and Distributed by Farmers Union, Palisade, Colorado," "G. D. M. Brand * * * Tomato Juice * * * Distributed by G. D. Milligan Grocer Co., Springfield, Mo.," "Colo-Flavor Brand Tomato Juice * * * Packed and Distributed by Farmers Union Marketing Assn., Denver and Palisade, Colo.," "Co-op Tomato Juice * * * Packed for National Cooperatives, Inc., Chicago, Illinois," or "Marco Tomato Juice * * * Distributed by H. A. Marr Grocery Co., Denver, Colorado Enid-Omaha-Amarillo."

NATURE OF CHARGE: Canned apricots. Misbranding, Section 403 (h) (1), the article failed to conform to the standard of quality for canned apricots, since more than 20 percent of the units in the container of the article were blemished with scab, discoloration, and other abnormalities; and the label of the article failed to bear a statement that it fell below such standard.

Canned peaches. Misbranding, Section 403 (h) (1), the article failed to conform to the standard of quality for canned peaches, since the standard provides that, in the case of canned peaches of standard quality, except in the case of mixed pieces of irregular sizes and shapes, not more than 5 percent of the units in a container of 20 or more units is crushed or broken, whereas the article consisted of peach halves and was packed in containers holding more than 20 units, and more than 5 percent of the units in the container were crushed or broken; and the label of the article failed to bear a statement that it fell below such standard.

Tomato juice. Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents, since the labels on the cans of the article bore the statement "Contents 1 Qt. 14 Fl. Oz.," whereas the cans contained less than 1 quart, 14 fluid ounces.

DISPOSITION: October 21, 1947. A plea of guilty having been entered on behalf of the corporation, and a plea of nolo contendere having been entered by the individual, the court imposed fines of $1,000 against the corporation and $500 against the individual.

12519. Adulteration of canned apricots. U. S. v. 67 Cases * * *. (F. D. C. No. 21380. Sample No. 39202–H.)

LIBEL FILED: October 29, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 20, 1946, by the Riverbank Canning Co., from Riverbank, Calif.

PRODUCT: 67 cases, each containing 24 1-pound, 13-ounce cans, of apricots at Chicago, Ill.

LABEL, IN PART: "Sun-Red Whole Unpeeled Apricots In Light Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: January 9, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12520. Misbranding of canned apricots. U. S. v. 1,955 Cases * * *. (F. D. C. No. 23711. Sample No. 75859–H.)

LIBEL FILED: September 18, 1947, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 25, 1947, by the Foster & Wood Canning Co., from Lodi, Calif.

PRODUCT: 1,955 cases, each containing 24 1-pound, 13-ounce cans, of apricots at Philadelphia, Pa.

LABEL, IN PART: "Asco Brand Tree-Ripened Whole Peeled Apricots In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the labels of portions of the article failed to bear the name of the optional packing medium, as required by the definition and standard of identity for canned apricots, since the labels on the cans bore the statement "In Heavy Syrup," whereas the cans in certain codes in the shipment contained sirup designated as "light syrup" in the definition and standard.

DISPOSITION: October 27, 1947. The Foster & Wood Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

12521. Misbranding of canned apricots. U. S. v. 673 Cases * * *. (F. D. C. No. 21238. Sample No. 45653–H.)

LIBEL FILED: October 14, 1946, District of Connecticut.

ALLEGED SHIPMENT: On or about August 12, 1946, by R. C. Isenbruck & Co., Moss Landing, Calif., from Oakland, Calif.

PRODUCT: 673 cases, each containing 24 1-pound, 13-ounce cans, of apricots at Torrington, Conn.

LABEL, IN PART: "Elmdale Whole Unpeeled Apricots In Light Syrup National Retailer-Owned Grocers, Inc. Distributors * * * Chicago, Ill."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article failed to conform to the definition and standard of identity for canned apricots. Its label bore the statement "In Light Syrup," whereas the article was packed in sirup designated as "slightly sweetened water" in the standard. Further misbranding, Section 403 (h) (1), the article fell below the standard of quality prescribed for canned apricots because of an excess of blemished fruit, and the article was not labeled to show that it was substandard.

DISPOSITION: February 21, 1947. R. C. Isenbruck & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

12522. Misbranding of canned apricots. U. S. v. 213 Cases * * *. (F. D. C. No. 23636. Sample No. 74899–H.)

LIBEL FILED: On or about September 3, 1947, District of Rhode Island.

ALLEGED SHIPMENT: On or about August 8, 1946, by R. C. Isenbruck & Co., from Castroville, Calif.

PRODUCT: 213 cases, each containing 24 1-pound, 13-ounce cans, of apricots at Providence, R. I.

LABEL, IN PART: "Elmdale Whole Unpeeled Apricots In Light Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product failed to conform to the standard of quality for canned apricots, since more than 20 percent of the apricot units were blemised with scabs, discoloration, and other abnormalities, and more than 5 percent of the apricot units were crushed and broken; and the product was not labeled as substandard.

DISPOSITION: November 13, 1947. Default decree of condemnation. The product was ordered delivered to a charitable institution.

12523. Adulteration of canned peaches. U. S. v. 417 Cases * * *. (F. D. C. No. 23793. Sample No. 61090–H.)

LIBEL FILED: October 6, 1947, Western District of New York.

ALLEGED SHIPMENT: On or about September 4, 1946, by the Russell Corp., from Plant City, Fla.

PRODUCT: 417 cases, each containing 6 6-pound, 12-ounce cans, of peaches at Rochester, N. Y.

LABEL, IN PART: "Russell's Fine Foods Peaches Irregular Shapes and Sizes Packed in Water."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worms and worm excreta.

DISPOSITION: November 10, 1947. Default decree of condemnation and destruction.

12524. Misbranding of canned peaches. U. S. v. 124 Cases, etc. (F. D. C. No. 23981. Sample No. 15011–K, 15012–K.)

LIBEL FILED: December 3, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 2, 1947, by Roberts Brothers, from Americus, Ga.

PRODUCT: Peaches. 124 cases, each containing 48 cans, and 119 cases, each containing 48 cans, at Chicago, Ill.

LABEL, IN PART: "Roberts Big R Brand Sliced White [or "Yellow"] Freestone Peaches In Light Syrup Contents 15 Oz. Avoir."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard in quality. The peach units were not untrimmed or so trimmed as to preserve normal shape, and the label failed to indicate that the article was below standard.

DISPOSITION: January 29, 1948. The Excel Wholesale Grocery Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling in accordance with the law, under the supervision of the Federal Security Agency.

12525. Misbranding of canned peaches. U. S. v. 100 Cases * * *. (F. D. C. No. 23687. Sample No. 85467–H.)

LIBEL FILED: September 8, 1947, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about July 16, 1947, from Easley, S. C., by Taylor & Sledd, Inc.

PRODUCT: 100 cases, each containing 24 1-pound, 14-ounce cans, of peaches at Morrison, Va. Examination showed that the product was peach halves and that it was packed in light sirup.

LABEL, IN PART: "Durham Maid Brand."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned peaches, a food for which a definition and standard of identity had been prescribed by regulations, and its label failed to bear, as required by the definition and standard, the names of the optional packing medium and the optional peach ingredient present in the article, since the label bore the statement "Durham Maid Brand Yellow Peeled Freestone Peaches Mixed Pieces of Irregular Sizes and Shapes in Heavy Syrup"; whereas the article was packed in sirup designated as "light sirup" in the standard, and the peach ingredient of the article is designated as "halves" in the standard.

DISPOSITION: October 1, 1947. Taylor & Sledd, Inc., having appeared as claimant, judgment was entered ordering that the product be released under bond for relabeling, under the supervision of the Food and Drug Administration.

12526. Adulteration of canned prune plums and prunes, and canned cherries. U. S. v. Stayton Canning Co. Cooperative, a Corporation, and Fernando M. Smith. Pleas of nolo contendere. Fines of $350 against the corporation and $25 against Fernando M. Smith. (F. D. C. No. 21511. Sample Nos. 58202–H, 58203–H, 58219–H, 58221–H, 58224–H, 58241–H, 58253–H.)

INFORMATION FILED: January 23, 1947, against the Stayton Canning Co. Cooperative, Stayton, Oreg., and Fernando M. Smith, vice president.

ALLEGED SHIPMENT: December 15, 17, 27, and 28, 1945, from the State of Oregon into the State of Montana.

LABEL, IN PART: "Santiam Brand * * * Prune Plums," "Santiam Brand * * * Prunes," or "Santiam Brand Light Sweet Royal Anne Cherries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the canned prune plums and prunes consisted in part of decomposed substances by reason of the presence of decomposed fruit, and the canned cherries consisted in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: February 13, 1947. Pleas of nolo contendere; fines of $350 against the corporation and $25 against Fernando M. Smith.

12527. Misbranding of canned fruit cocktail. U. S. v. 443 Cases * * *. (F. D. C. No. 21222. Sample No. 45855–H.)

LIBEL FILED: October 4, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about August 16, 1946, by Schuckl & Co., Inc., from Oakland, Calif.

PRODUCT: 443 cases, each containing 24 cans, of fruit cocktail at Kearney, N. J.

LABEL, IN PART: "Sun Haven Fruit Cocktail * * * Net Weight 1 Lb. 13 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (h) (2), the article fell below the standard of fill of container for canned fruit cocktail, since the total weight of the drained fruit was less than 65 percent of the water capacity of the container, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: June 30, 1947. Schuckl & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Food and Drug Administration.

12528. Adulteration of prunes. U. S. v. 498 Cartons * * *. (F. D. C. No. 23031. Sample No. 77558–H.)

LIBEL FILED: May 13, 1947, District of Minnesota.

ALLEGED SHIPMENT: On or about March 31, 1947, by Taggart Dried Fruits, from Hollister, Calif.

PRODUCT: 498 25-pound cartons of prunes at St. Paul, Minn.

LABEL, IN PART: "Taggart's Brand Med. Pitted Santa Clara Prunes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained a deleterious substance, broken pieces and slivers of prune pits, which may have rendered the article injurious to health.

DISPOSITION: July 21, 1947. Associated Activities, Inc., Minneapolis, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency.

12529. Adulteration of raisins. U. S. v. 1,000 Boxes * * *. (F. D. C. No. 20579. Sample Nos. 46532–H, 46533–H.)

LIBEL FILED: August 2, 1946, District of Puerto Rico.

ALLEGED SHIPMENT: On or about April 15, 1946, by Rosenberg Bros. & Co., from San Francisco, Calif.

PRODUCT: 400 25-pound boxes and 600 30-pound boxes of muscat raisins at San Juan, Puerto Rico.

LABEL, IN PART: "Ungraded Loose Muscat Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy raisins.

DISPOSITION: October 31, 1946. Mendez Martinez & Co., Sucrs., San Juan, Puerto Rico, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be sold and exported outside of the United States, its territories, and possessions, and that the claimant furnish proof of such sale, if required, to the Federal Security Administration.

On October 21, 1947, the claimant filed a motion, alleging that it had sold but 200 boxes of the product and was unable to sell and export the remainder, and requesting that an order be entered for the destruction of the raisins remaining in its possession.

On October 23, 1947, the court ordered the unsold raisins (796 boxes) destroyed.

12530. Adulteration of seedless raisins. U. S. v. 27 Cartons * * *. (F. D. C. No. 24011. Sample No. 37314–K.)

LIBEL FILED: December 11, 1947, Southern District of California.

ALLEGED SHIPMENT: On or about November 13, 1947, by Van de Kamp's Bakeries, from Seattle, Wash. This was a return shipment.

PRODUCT: 27 cartons, each containing 30 pounds, of seedless raisins at Dinuba, Calif.

LABEL, IN PART: "Pel Pak Brand Midgets Thompson Seedless Raisins Packed by Peloian Packing Co., Dinuba, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and other insects, and insect excreta and webbing.

DISPOSITION: February 5, 1948. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRESH AND FROZEN FRUIT

12531. Adulteration of blackberries. U. S. v. 55 Crates * * *. (F. D. C. No. 23667. Sample No. 87148–H.)

LIBEL FILED: August 28, 1947, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 12, 1947, by F. S. Merlino, from Hammonton, N. J.

PRODUCT: 55 crates, each containing 24 1-quart baskets, of blackberries at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy blackberries.

DISPOSITION: October 6, 1947. Default decree of condemnation and destruction.

12532. Adulteration of blueberries. U. S. v. 11 Crates, etc. (F. D. C. No. 23680. Sample No. 84915–H.)

LIBEL FILED: On or about August 22, 1947, Western District of New York.

ALLEGED SHIPMENT: On or about August 20, 1947, by Mary Boyanowski, from Dupont, Pa.

PRODUCT: 11 crates, each containing 24 1-quart baskets, and 17 1-quart baskets, of blueberries at Buffalo, N. Y. Analysis showed that the product was infested with maggots or larvae.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: September 23, 1947. Default decree of condemnation and destruction.

12533. Adulteration of blueberries. U. S. v. 9 Crates, etc. (F. D. C. No. 23832. Sample No. 84917–H.)

LIBEL FILED: August 22, 1947, Western District of New York.

ALLEGED SHIPMENT: On or about August 20, 1947, by Mary Boyanowski, from Dupont, Pa.

PRODUCT: 9 crates and 18 1-quart baskets of blueberries at Buffalo, N. Y. Analysis disclosed that the product was infested with maggots or larvae.

LABEL, IN PART: "Matsko's Penna Spring Mountain Blue Berries 'freshpak'."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: September 23, 1947. Default decree of condemnation and destruction.

12534. Adulteration of blueberries. U. S. v. 2 Crates, etc. (F. D. C. No. 23679. Sample No. 84914–H.)

LIBEL FILED: August 21, 1947, Western District of New York.

ALLEGED SHIPMENT: On or about August 19, 1947, by Mrs. J. Alonis, from Tobyhanna, Pa.

PRODUCT: 2 crates, each containing 24 1-quart baskets, and 19 1-quart baskets, of blueberries at Buffalo, N. Y. Analysis showed that the product was infested with maggots or larvae.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: September 23, 1947. Default decree of condemnation and destruction.

12535. Adulteration of blueberries. U. S. v. 10 Crates * * *. (F. D. C. No. 23833. Sample No. 87913–H.)

LIBEL FILED: August 1, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about July 31, 1947, by Miss E. McGurl, from Jessup, Pa.

PRODUCT: 10 crates, each containing 24 quarts, of blueberries at New York, N. Y. Analysis disclosed that the product was infested with maggots.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

DISPOSITION: August 6, 1947. Default decree of condemnation and destruction.

12536. Adulteration of blueberries. U. S. v. 1 Crate, etc. (F. D. C. No. 23834. Sample No. 87915–H.)

LIBEL FILED: August 1, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about July 31, 1947, by Paul Salidago, from Kelayres, Pa.

PRODUCT: 1 crate, containing 21 quarts, and 3 crates, each containing 24 quarts, of blueberries at New York, N. Y. Examination showed that the product was infested with maggots.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

DISPOSITION: August 6, 1947. Default decree of condemnation and destruction.

12537. Adulteration of blueberries. U. S. v. 8 Crates * * *. (F. D. C. No. 23835. Sample No. 87917–H.)

LIBEL FILED: August 5, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about August 2, 1947, by A. W. Colwell & Co., from Clinton, N. C.

PRODUCT: 8 crates, each containing 24 quarts, of blueberries at New York, N. Y. Examination showed that the product was infested with maggots.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

DISPOSITION: August 13, 1947. Default decree of condemnation and destruction.

12538. Adulteration of blueberries. U. S. v. 11 Crates * * *. (F. D. C. No. 23836. Sample No. 87918–H.)

LIBEL FILED: August 5, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about August 3, 1947, by Ward Bennett, from Allentown, N. J.

PRODUCT: 11 crates, each containing 24 quarts, of blueberries at New York, N. Y. Analysis disclosed that the product was infested with maggots.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

DISPOSITION: August 13, 1947. Default decree of condemnation and destruction.

12539. Adulteration of blueberries. U. S. v. 3 Crates * * *. (F. D. C. No. 23837. Sample No. 87919–H.)

LIBEL FILED: August 5, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about August 3, 1947, by George Burlew, from Old Bridge, N. J.

PRODUCT: 3 crates, each containing 24 quarts, of blueberries at New York, N. Y. Analysis showed that the product was infested with maggots.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

DISPOSITION: August 13, 1947. Default decree of condemnation and destruction.

12540. Adulteration of blueberries. U. S. v. 3 Crates * * *. (F. D. C. No. 23838. Sample No. 87928–H.)

LIBEL FILED: August 11, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about August 7, 1947, by A. B. Moyer, from Long Pond, Pa.

PRODUCT: 3 crates, each containing 24 quarts, of blueberries at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. (The blueberries were infested with maggots.)

DISPOSITION: August 13, 1947. Default decree of condemnation and destruction.

12541. Adulteration of blueberries. U. S. v. 4 Crates * * *. (F. D. C. No. 23839. Sample No. 87929–H.)

LIBEL FILED: August 11, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about August 7, 1947, by Walter Anderson, from Springfield, Mass.

PRODUCT: 4 crates, each containing 24 quarts, of blueberries at New York, N. Y. Analysis showed that the product was infested with maggots.

LABEL, IN PART: "Massachusetts Blues Packed by Granville Blueberry Growers."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

DISPOSITION: August 13, 1947. Default decree of condemnation and destruction.

12542. Adulteration of blueberries. U. S. v. 1 Crate * * *. (F. D. C. No. 23911. Sample No. 87920–H.)

LIBEL FILED: August 5, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about August 3, 1947, by J. Marz, Sr., from Matawan, N. J.

PRODUCT: 1 crate, containing 36 pints, of blueberries at New York, N. Y. Examination disclosed that the product was infested with maggots.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

DISPOSITION: August 13, 1947. Default decree of condemnation and destruction.

12543. Adulteration of cherries. U. S. v. 827 Lugs * * *. (F. D. C. No. 23498. Sample No. 87580–H.)

LIBEL FILED: July 10, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about June 29, 1947, by the Ninth Street Skookum Growers, Wenatchee, Wash.

PRODUCT: 827 14-pound lugs of cherries at New York, N. Y.

LABEL, IN PART: "Blue Goose Wenatchee Selected Cherries Packed by Ninth Street Skookum Growers Distributed by American Fruit Growers, Inc. Wenatchee, Wash."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its having a disagreeable taste suggestive of iodine and creosol.

DISPOSITION: July 16, 1947. Default decree of condemnation and destruction.

12544. Misbranding of frozen raspberries. U. S. v. 1,063 Cartons * * *. (F. D. C. No. 23655. Sample Nos. 87909–H, 91363–H.)

LIBEL FILED: August 22, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about August 5, 1946, by George W. Haxton & Son, Inc., from Oakfield, N. Y.

PRODUCT: 1,063 cartons, each containing 12 cups, of frozen raspberries at Jersey City, N. J.

LABEL, IN PART: "New York State Frozen Columbian [or "Purple Columbian"] Raspberries."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (A portion of the cups bore the statement "Net Weight 12 Oz." but contained less than 12 ounces of berries. The cups containing the remainder of the article bore no statement of the quantity of the contents.)

DISPOSITION: September 24, 1947. George W. Haxton & Son, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for repacking and relabeling, under the supervision of the Food and Drug Administration.

12545. Adulteration and misbranding of frozen strawberries, and adulteration of frozen red raspberries, black raspberries, loganberries, and boysenberries. U. S. v. 208 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 20749, 21609, 22136. Sample Nos. 32151–H, 58352–H, 58353–H, 64819–H, 64820–H.)

LIBELS FILED: August 29 and November 7, 1946, and January 9, 1947, Southern District of California and Southern District of New York.

ALLEGED SHIPMENT: June 12 and July 20 and 25, 1946, by the Midfield Packers, from Olympia, Wash.

PRODUCT: 208 cases, each containing 24 1-pound cartons, of strawberries at Yorba Linda, Calif.; and 2,005 cases, each containing 1 pound, of red raspberries, black raspberries, loganberries, or boysenberries, at New York, N. Y.

Examination showed that the packages contained from 8 to 10 ounces of fruit and from 6 to 8 ounces of sugar or sugar solution, whereas they should have held at least 12 ounces of fruit.

LABEL, IN PART: "Moon Winks Whole Strawberries [or "Loganberries in syrup," "Boysenberries in syrup," or "Black Raspberries in syrup"]," or "Cortley * * * Red Raspberries * * * Distributed by Cortley Frosted Foods, New York."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water, or water and sugar, had been substituted in part for fruit; and, Section 402 (b) (4), (raspberries, loganberries, and boysenberries) water had been added to the products so as to increase their bulk and weight.

Misbranding, Section 403 (d), (strawberries) the containers of the product were so filled as to be misleading.

DISPOSITION: May 26 and October 11, 1946. The Peoples National Bank of Washington and Frigid Foods, Inc., Fullerton, Calif., claimants, respectively, for the raspberries and strawberries, having consented to the entry of decrees, judgments of condemnation were entered and the products were ordered released under bond. The raspberries were to be used for the manufacture of fountain sirups, and the strawberries were to be relabeled under the supervision of the Food and Drug Administration.

On June 6, 1947, a default decree of condemnation was entered with respect to the remaining products, and they were ordered delivered to charitable institutions.

12546. Misbranding of frozen strawberries. U. S. v. Hosier & Co., Ltd. Plea of nolo contendere. Fine of $50 on count 1; imposition of sentence suspended on count 2; and defendant placed on 12 months' probation. (F. D. C. No. 20967. Sample Nos. 35524–H, 35525–H.)

INFORMATION FILED: January 8, 1947, Eastern District of Arkansas, against Hosier & Co. Ltd., a partnership, Bald Knob, Ark.

ALLEGED SHIPMENT: On or about May 12 and 14, 1946, from the State of Arkansas into the State of Tennessee.

LABEL, IN PART: "Sliced Strawberries with Sugar * * * Net Weight 12 Oz.," or "Polar Brand Frosted Fresh Sliced Strawberries Sugar Added Net Weight 12 Oz. When Packed Packed for S. A. Moffett Co."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. The label statements "Net Weight 12 Oz." and "Net Weight 12 Oz. When Packed" were inaccurate, since the containers held less than 12 ounces net of the food.

DISPOSITION: August 14, 1947. A plea of nolo contendere having been entered, the defendant was fined $50 on count 1; imposition of sentence on count 2 was suspended, and the defendant was placed on probation for a period of 12 months.

12547. Misbranding of frozen strawberries. U. S. v. 499 Cartons * * *. (F. D. C. No. 23748. Sample No. 85004–H.)

LIBEL FILED: September 12, 1947, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 18, 1947, by the Growers & Packers Cooperative Canning Co., Inc., from North Collins, N. Y.

PRODUCT: 499 cartons, each containing 36 packages, of frozen strawberries at Pittsburgh, Pa. Examination showed that the packages, on an average, were less than 70 percent filled.

LABEL, IN PART: "Gro-Pak Frozen Fresh Sliced Strawberries Net Weight 12 Ounces."

NATURE OF CHARGE: Misbranding, Section 403 (d), the containers of the article were so filled as to be misleading, since 4 ounces additional of sliced strawberries could have been packed in each container.

DISPOSITION: October 21, 1947. The Growers & Packers Cooperative Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for repacking, under the supervision of the Federal Security Agency.

MISCELLANEOUS FRUIT AND FRUIT PRODUCTS*

12548. Action for criminal contempt for violation of terms of decree entered in the case of the U. S. v. 1,322 Cans of Black Raspberry Puree. U. S. v. Telling-Belle Vernon Co. and Producers Service Corp. Pleas of nolo contendere. Fine of $500 against each defendant. (F. D. C. No. 18933. Sample No. 14464–H.)

*See also Nos. 12401–12406, 12411, 12469, 12599.

INFORMATION FILED: On or about July 30, 1947, Northern District of Ohio, against the Telling-Belle Vernon Co., a corporation, and the Producers Service Corp.

NATURE OF CHARGE: The defendants willfully and wrongfully disobeyed the provisions of the decree of condemnation entered in the case of the United States v. 1,322 cans of black raspberry puree, reported in notices of judgment on foods, No. 10156, in that (1) the Telling-Belle Vernon Co. disposed of the product by selling and delivering it on or about November 29, 1946, at Cleveland, Ohio, to the Producers Service Corp. for shipment to Benton Harbor, Mich., without the approval of the Food and Drug Administration; and, (2) in that the Producers Service Corp. took possession of the product at Cleveland, Ohio, on or about November 29, 1946, and shipped it to Benton Harbor, Mich., and in December 1946, converted it into fruit juice for use in manufacture of jelly and offered the juice for sale for such purposes.

DISPOSITION: October 28, 1947. Pleas of nolo contendere having been entered, the court fined each defendant $500. In addition, a supplemental order was entered, providing that the above-mentioned juice be fermented and distilled within 120 days, under the supervision, and subject to the approval, of the Food and Drug Administration, so that it could be brought into compliance with the law. It was ordered further that unless the juice was so fermented and distilled, it was to be destroyed.

12549. Adulteration of strawberry puree. U. S. v. 9 Cans * * *. (F. D. C. No. 21715. Sample No. 39212–H.)

LIBEL FILED: November 15, 1946, Western District of Michigan.

ALLEGED SHIPMENT: On or about October 1, 1946, by the Sunshine Packing Corporation of Pennsylvania, from North East, Pa.

PRODUCT: 9 5-gallon cans of strawberry puree at Ishpeming, Mich.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. (It contained decomposed strawberry material.)

DISPOSITION: December 20, 1946. Default decree of condemnation and destruction.

12550. Adulteration and misbranding of apricot-cranberry mix. U. S. v. 181 Cases * * *. (F. D. C. No. 23100. Sample No. 91245–H.)

LIBEL FILED: May 5, 1947, Eastern District of New York.

ALLEGED SHIPMENT: On or about March 17, 1947, by Cranberry Canners, Inc., from Hanson, Mass.

PRODUCT: 181 cases, each containing 24 15-ounce jars, of apricot-cranberry mix at Brooklyn, N. Y. The product was packed in transparent glass jars and had the general appearance of jam.

LABEL, IN PART: "Ocean Spray Apricot-Cranberry Mix Contains: Sugar, Apricots, Cranberries, Water and Added Acid and Color."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance consisting essentially of apricots, cranberries, and sugar, having a soluble solids content of less than 65 percent, and containing artificial color and sulfur dioxide, had been substituted for apricot-cranberry jam.

Misbranding, Section 403 (g) (1), the article purported to be apricot-cranberry jam, a food for which a definition and standard of identity has been promulgated, and it failed to conform to such definition and standard, since the soluble solids content of the article was less than 65 percent and since it contained artificial color and sulfur dioxide, which are not permitted as ingredients of apricot-cranberry jam in the definition and standard.

DISPOSITION: July 2, 1947. H. C. Bohack & Co., Inc., Brooklyn, N. Y., having appeared as claimant, but having failed to file an answer to the libel, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

12551. Adulteration and misbranding of apricot-cranberry mix. U. S. v. 782 Cases * * *. (F. D. C. No. 23131. Sample No. 53879–H.)

LIBEL FILED: May 22, 1947, Southern District of Ohio.

ALLEGED SHIPMENT: On or about February 28, 1947, by the National Cranberry Assoc., from Onset, Mass.

PRODUCT: 782 cases, each containing 24 15-ounce jars, of apricot-cranberry mix at Cincinnati, Ohio. The product was packed in transparent glass jars and had the general appearance of jam.

LABEL, IN PART: "Ocean Spray Apricot-Cranberry Mix."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, cranberries, had been in whole or in part omitted; Section 402 (b) (2), a product consisting essentially of apricots, cranberries, cranberry pomace, and sugar, containing artificial color, and having a soluble solids content of less than 65 percent, had been substituted for apricot-cranberry jam; and, Section 402 (b) (4), cranberry pomace had been added to the article and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for apricot-cranberry jam. The soluble solids content was less than 65 percent; it was made from a mixture composed of less than 45 parts by weight of the apricot-cranberry ingredient to each 55 parts by weight of one of the saccharine ingredients specified in the standard; it contained cranberry pomace and artificial color, which are not permitted optional ingredients of apricot-cranberry jam; and the cranberry content was less than one-fifth by weight of the apricot-cranberry ingredient.

DISPOSITION: July 9, 1947. No claimant having appeared, judgment of forfeiture was entered and the product was ordered delivered to charitable and public institutions.

12552. Adulteration and misbranding of apricot-cranberry mix and raspberry-cranberry mix. U. S. v. 43 Cases * * *. (F. D. C. No. 23646. Sample Nos. 87684–H, 87685–H.)

LIBEL FILED: August 18, 1947, Eastern District of New York.

ALLEGED SHIPMENT: On or about March 19, 1947, by the National Cranberry Assoc., from Onset, Mass.

PRODUCT: 43 cases of apricot-cranberry mix and 36 cases of raspberry-cranberry mix at Long Island City, N. Y. Each case contained 24 15-ounce jars.

LABEL, IN PART: (Jars) "Ocean Spray * * * Apricot-Cranberry Mix [or "Raspberry-Cranberry Mix"] Contains Sugar, Raspberries [or "Apricots"] Cranberries, Water and Added Acid and Color."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), substances consisting essentially of apricots, cranberries, and sugar, or raspberries, cranberries, and sugar, having a soluble solids content of less than 65 percent, in the former, and 68 percent, in the latter, and containing artificial color, had been substituted for apricot-cranberry jam and raspberry-cranberry jam, respectively.

Misbranding, Section 403 (g) (1), the articles purported to be apricot-cranberry jam and raspberry-cranberry jam, foods for which definitions and standards of identity have been prescribed by the regulations, and they failed to conform to such definitions and standards, since the soluble solids content was less than 65 percent and 68 percent, respectively, the minimum permitted for such jams; and the articles contained artificial color, which is not permitted as an ingredient of apricot-cranberry jam and raspberry-cranberry jam.

DISPOSITION: October 24, 1947. Default decree of condemnation. The product was ordered delivered to charitable institutions.

12553. Adulteration and misbranding of peach fountain fruit. U. S. v. 185 Cases * * *. (F. D. C. No. 21910. Sample No. 1957–H.)

LIBEL FILED: December 9, 1946; amended February 12, 1947, Western District of South Carolina.

ALLEGED SHIPMENT: On or about September 1, 1946, by the Mary Ann Preserving Co., from Chattanooga, Tenn.

PRODUCT: 185 cases, each containing 25 14-ounce jars, of peach fountain fruit at Greenville, S. C.

LABEL, IN PART: "Mary-Ann Peach Fountain Fruit."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance consisting primarily of a mixture of peaches and sugar in the ratio of approximately

220 pounds of fruit to each 55 pounds of sugar, and having a soluble solids content of less than 65 percent, had been substituted for peach preserves, a food for which a definition and standard of identity has been prescribed by regulations.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for peach preserves, since the soluble solids content of the article was less than 65 percent.

DISPOSITION: March 25, 1947. The Mary Ann Preserving Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency.

12554. Misbranding of peach jam. U. S. v. 11 Cases * * *. (F. D. C. No. 21628. Sample No. 54577–H.)

LIBEL FILED: November 8, 1946, Eastern District of Tennessee.

ALLEGED SHIPMENT: On or about July 12, 1946, by the H. T. Hackney Co., from Murphy, N. C.

PRODUCT: Peach jam. 9 cases, each containing 12 2-pound, 4-ounce jars, and 2 cases, each containing 6 4-pound, 4-ounce jars, at Chattanooga, Tenn.

LABEL, IN PART: "Pisgah Maid * * * Peach Jam Peaches with Sugar and Cane Syrup Added Pisgah Maid Foods—Canton, N. C."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard for peach jam because its soluble solids content was less than 65 percent, and because it contained cane sirup and was prepared from dried peaches, which are not permitted as optional fruit and saccharine ingredients of peach jam under the definition and standard.

DISPOSITION: March 28, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

12555. Misbranding of kumquat preserves, preserved cherry kumquats, and spiced kumquats. U. S. v. 44 Jars, etc. (F. D. C. No. 23554. Sample Nos. 83128–H to 83130–H, incl.)

LIBEL FILED: August 8, 1947, Western District of Kentucky.

ALLEGED SHIPMENT: On or about May 26, 1947, by the Wholesale Novelty Products, Inc., from Arcadia, Fla.

PRODUCT: 44 jars of kumquat preserves, 33 jars of preserved cherry kumquats, and 42 jars of spiced kumquats, at Louisville, Ky.

LABEL, IN PART: "Marse Chan Kumquats Preserves [or "Preserved Cherry Kumquats," or "Spiced Kumquats"] Net Weight 16 ounces."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the articles failed to bear labels containing an accurate statement of the quantity of the contents (The articles were short-weight.); and, Section 403 (f), the statement of the quantity of the contents was not prominently placed on the label with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use (The statement was in small type and practically illegible.).

Further misbranding, Section 403 (a), the label designation "Preserves," with respect to the kumquat preserves, was false and misleading as applied to this article (The article was not a preserve, since it contained only 32 percent soluble solids.); and, Section 403 (i) (2), the cherry kumquats and spiced kumquats were fabricated from 2 or more ingredients, and their labels failed to bear the common or usual name of each such ingredient.

DISPOSITION: September 30, 1947. Default decree of condemnation. The products were ordered delivered to a charitable institution, for consumption by its inmates.

12556. Adulteration and misbranding of jelly. U. S. v. 18 Cases * * *. (F. D. C. No. 23727. Sample Nos. 85670–H, 85671–H.)

LIBEL FILED: On or about October 6, 1947, Western District of Virginia.

ALLEGED SHIPMENT: On or about August 14, 1947, by the Keller Food Products Co., from Philadelphia, Pa.

PRODUCT: 18 cases of apple-grape jelly and 18 cases of apply-cherry jelly at Bristol, Va. Each case contained 24 12-ounce jars.

LABEL, IN PART: (Jar) "Keller's Pure Apple Grape [or "Cherry"] Jelly."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product of less than 65 percent soluble solids had been substituted for apple-grape jelly and apple-cherry jelly.

Misbranding, Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity for apple-grape jelly and apple-cherry jelly, since the soluble solids content of the articles was less than 65 percent, the minimum permitted by the definitions and standards.

DISPOSITION: December 1, 1947. Default decree of condemnation. The product was ordered delivered to a charitable institution.

12557. Adulteration and misbranding of red raspberry jelly. U. S. v. 15 Cases * * *. (F. D. C. No. 24287. Sample No. 4249–K.)

LIBEL FILED: On or about January 9, 1948, District of Rhode Island.

ALLEGED SHIPMENT: On or about October 10, 1947, by the Cape Cod Preserving Kitchens, from Medfield, Mass.

PRODUCT: 15 cases, each containing 24 10-ounce jars, of red raspberry jelly at Providence, R. I.

LABEL, IN PART: "Cape Cod Kitchens Old Fashioned * * * Red Raspberry Jelly Contains Raspberries, Sugar, Water, Apple Concentrate, Fruit Acid Net Weight 10 Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product deficient in fruit juice and containing added phosphoric acid or acid phosphate had been substituted for red raspberry jelly.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for jelly. The product had been made from a mixture composed of less than 45 parts by weight of the fruit juice ingredient to each 55 parts by weight of one of the saccharine ingredients specified in the definition and standard, and it contained phosphoric acid or acid phosphate, which are not permitted as ingredients in the standard. Further misbranding, Section 403 (a), the statement on the label "Apple Concentrate" was false and misleading as applied to a product which contained no apple concentrate.

DISPOSITION: February 11, 1948. No claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

12558. Adulteration and misbranding of guava jelly. U. S. v. 13 Cases * * *. (F. D. C. No. 24128. Sample No. 633–K.)

LIBEL FILED: December 11, 1947, Southern District of Georgia.

ALLEGED SHIPMENT: On or about September 11, 1947, by Grant-O Marmalades & Jellies, from St. Petersburg, Fla.

PRODUCT: 13 cases, each containing 24 16-ounce jars, of guava jelly at Eastman, Ga.

LABEL, IN PART: "Grant-O Home Made Guava Jelly."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product deficient in fruit juice had been substituted in whole or in part for guava jelly.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity prescribed for guava jelly, since it had been made from a mixture composed of less than 45 parts by weight of fruit juice to each 45 parts by weight of the saccharine ingredient.

DISPOSITION: January 27, 1948. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed or delivered to the American Red Cross.

VEGETABLES

12559. Adulteration of frozen green beans. U. S. v. 2,227 Cases, etc. (and 1 other seizure action). (F. D. C. Nos. 20830, 20876. Sample Nos. 44343–H, 70504–H to 70509–H, incl., 70520–H to 70523–H, incl., 70525–H.)

LIBELS FILED: September 3 and 12, 1946, Southern District of California.

ALLEGED SHIPMENT: Between the approximate dates of September 25 and October 12, 1945, by Midfield Packers, from Olympia, Wash.

PRODUCT: 2,227 cases, each containing 6 3-pound packages, and 8,930 20-pound cases, of frozen green beans at Los Angeles, Calif. Examination showed that the product was sour and decomposed.

LABEL, IN PART: "Cut Blue Lake Beans," or "Moon Winks Brand Cut Green Beans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 31, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

12560. Adulteration of canned beans with pork. U. S. v. 133 Cases * * *. (F. D. C. No. 22930. Sample No. 74751–H.)

LIBEL FILED: On or about April 22, 1947, District of Rhode Island.

ALLEGED SHIPMENT: On or about March 12, 1947, by Stokely-Van Camp, Inc., from New Bedford, Mass.

PRODUCT: 133 cases, each containing 24 1-pound, 3¼-ounce cans, of beans with pork at Providence, R. I.

LABEL, IN PART: "Van Camp's New England Style California Pea Beans with Pork."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of rancid pork.

DISPOSITION: May 13, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12561. Adulteration of dried mushrooms. U. S. v. 3 Bags, etc. Tried to the court. Judgment ordering product condemned and destroyed. (F. D. C. Nos. 14542, 14543. Sample Nos. 86547–F, 86548–F.)

LIBEL FILED: December 5, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 1 and 3, 1944, by Mrs. T. Loda, from Weyerhauser, Wis., and by Mrs. Leonard Fikar, from Lyndon Station, Wis.

PRODUCT: 3 25-pound bags and 2 25-pound boxes of dried mushrooms at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae and maggots.

DISPOSITION: H. Beitch, trading as the Russian-Polish Importing Company, Chicago, Ill., having appeared as claimant, and taking issue with the allegation that the product was adulterated, the case came up for trial before the court on May 25, 1945. On July 13, 1945, the court handed down findings of fact and conclusions of law in favor of the Government's position and entered a decree of condemnation and destruction. The claimant thereupon filed a motion for a new trial, which was overruled on October 11, 1945. Thereafter, an appeal was taken to the United States Court of Appeals for the Seventh Circuit, and on October 17, 1946, the following decision was handed down, dismissing the appeal for the reason that the product had been destroyed:

MINTON, *Circuit Judge:* "The United States filed a libel against three bags and two boxes of mushrooms shipped in interstate commerce, claiming they were adulterated within the meaning of the Federal Food, Drug and Cosmetic Act.[1] One H. Beitch, doing business as the Russian-Polish Importing Company, appeared as claimant and answered, taking issue among other things with the allegation that the mushrooms were adulterated. A trial was had before the court. The court found the mushrooms were adulterated within the meaning of the Act, and on July 13, 1945 entered a decree that the mushrooms be condemned, forfeited, and destroyed.

"The claimant filed a motion to vacate this judgment and for a new trial. This motion was overruled on the 11th day of October, 1945, at which time the claimant gave notice of appeal. In the meantime, no stay of the court's order or decree having been entered, the Marshal destroyed the mushrooms.

[1] 21 U. S. C. A., § 301 *et seq.*; 52 Stat. 1040 *et seq.*

Therefore, the subject matter of the libel and of this action is no longer in existence.

"The continued existence of the mushrooms is essential to our right to proceed against the things themselves. The action is an action in rem. In such a proceeding, there is no party defendant. The goods stand to answer. They are the offenders. *Day* v. *Micou*, 85 U. S. 156, 162, 21 L. Ed. 860; *National Bond & Investment Co.* v. *Gibson*, 6 F. 2d 288, 290.

"The decree of the District Court goes against the mushrooms. The decree having been entered and executed, the proceeding is *functus officio.*

"Counsel for the Government readily admits the matter is moot here and counsel for the claimant reluctantly admits it is moot, but both parties ask us to decide the issue between them. This we decline to do. If we were to affirm the judgment, the District Court could not destroy the mushrooms. They have already been destroyed. If we reversed the judgment, there would be no mushrooms to restore to the claimant. The cause is clearly moot. We are not authorized to decide arguments but only 'cases and controversies.' 14 Am. Jur., Courts, § 49.

"In a cause where the facts were identical with those in this cause, except that they arose under the Tariff Act instead of the Federal Food, Drug and Cosmetic Act, the appeal was dismissed. See *Eureka Productions, Inc.* v. *Mulligan*, 108 F. 2d 760. From an early date it has been held that in forfeiture proceedings such as this, the continued existence of the articles is essential. *United States* v. *Ninety-two Barrels of Rectified Spirits*, Fed. Cases 15,892, 8 Blatchford 480 (1871).

"The appeal is DISMISSED."

12562. Adulteration of canned strained peas. U. S. v. 933 Cases * * *. (F. D. C. No. 23790. Sample Nos. 18403–K, 18424–K.)

LIBEL FILED: October 8, 1947, Southern District of Ohio.

ALLEGED SHIPMENT: On or about August 22 and September 17, 24, and 25, 1947, by the Beechnut Packing Co., from Rochester, N. Y.

PRODUCT: 933 cases, each containing 36 4¾-ounce jars, of canned strained peas at Cincinnati, Ohio.

LABEL, IN PART: "Beechnut Strained Peas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: November 10, 1947. Default decree of condemnation and destruction.

Nos. 12563 and 12564 report actions involving canned peas that purported to be a food for which a standard of quality has been prescribed by law, but the quality was charged to fall below the standard because of higher alcohol-insoluble solids than the maximum permitted by the standard, and the labels failed to bear, in the manner and form that the regulations specify, a statement that the product was below the standard.

12563. Misbranding of canned peas. U. S. v. 700 Cases * * *. (F. D. C. No. 23800. Sample No. 22170–K.)

LIBEL FILED: October 13, 1947, Northern District of Texas.

ALLEGED SHIPMENT: On or about June 19, 1947, by the Griffin Canning Co., from Muskogee, Okla.

PRODUCT: 700 cases, each containing 24 1-pound, 4-ounce cans, of peas at Dallas, Tex.

LABEL, IN PART: "Kaider Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard.

DISPOSITION: October 17, 1947. The Griffin Grocery Co., Dallas, Tex., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond for relabeling, under the supervision of the Food and Drug Administration.

12564. Misbranding of canned peas. U. S. v. 90 Cases * * *. (F. D. C. No. 21734. Sample No. 40115–H.)

LIBEL FILED: November 27, 1946, Western District of Tennessee.

ALLEGED SHIPMENT: On or about July 5, 1946, by the Dorchester Canning Co., from Hillsboro, Wis.

PRODUCT: 90 cases, each containing 24 1-pound, 4-ounce cans, of peas at Memphis, Tenn.

LABEL, IN PART: "May Day Brand Medium Large Early Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard.

DISPOSITION: January 10, 1947. The Dorchester Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

12565. Misbranding of canned peas. U. S. v. 67 Cases, etc. (F. D. C. No. 22739. Sample Nos. 41377–H, 41378–H.)

LIBEL FILED: On or about April 7, 1947, Southern District of Illinois.

ALLEGED SHIPMENT: On or about June 28, 1946, by D. E. Foote & Co., Inc., from Baltimore, Md.

PRODUCT: 67 cases, each containing 24 1-pound, 4-ounce cans, and 79 cases, each containing 6 6-pound, 9-ounce cans, of peas at Decatur, Ill.

LABEL, IN PART: "Family Brand Pod Run Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (2), the article fell below the standard of fill of container for canned peas, and the label of the article failed to bear a statement that it fell below such standard.

DISPOSITION: May 16, 1947. Default decree of condemnation. The product was ordered delivered to a charitable institution.

12566. Adulteration of sweet mixed pickles and dill tomatoes. U. S. v. 6 Cases, etc. (F. D. C. No. 21952. Sample Nos. 54251–H, 54252–H.)

LIBEL FILED: December 5, 1946, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about October 28, 1946, by the Economy Wholesale Grocery Co., from Miami, Fla.

PRODUCT: 6 cases, each containing 12 1-quart jars, of sweet mixed pickles and 4 cases, each containing 12 1-quart jars, of dill tomatoes at Salisbury, N. C.

LABEL, IN PART: "Fancy Sweet Mixed Pickles One Quart National Manufacturing and Packing Salisbury, N. C.," or "Genuine Kosher Dill Tomatoes."

NATURE OF CHARGE: Adulteration Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances.

DISPOSITION: February 25, 1947. Harry Wolfert, claimant, having withdrawn the claim and answer filed in the proceedings, and having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered destroyed.

12567. Misbranding of canned pimientos. U. S. v. 30 Cases * * *. (F. D. C. No. 23640. Sample No. 55527–H.)

LIBEL FILED: August 18, 1947, Western District of North Carolina.

ALLEGED SHIPMENT: On or about September 30, 1946, by Schoenfeld & Sons, from New Rochelle, N. Y.

PRODUCT: 30 cases, each containing 24 1-pound, 12-ounce cans, of pimientos at Charlotte, N. C.

LABEL, IN PART: (Cans) "Sorrentino Brand Pimientos Halves Sweet Red Peppers * * * Packed by A. Sorrentino, New York, N. Y."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Pimientos Halves Sweet Red Peppers" was false and misleading as applied to the article, which was a mixture of unpeeled, green and red sweet pepper halves.

DISPOSITION: October 14, 1947. Default decree of condemnation. The product was ordered delivered to a charitable institution.

12568. Misbranding of canned sweet potatoes. U. S. v. 197 Cases * * *. (F. D. C. No. 23367. Sample No. 79502–H.)

LIBEL FILED: July 25, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 22, 1946, by the Mayhaw Canning Company, from Laurel, Miss.

PRODUCT: 197 cases, each containing 24 1-pound, 2-ounce cans, of sweet potatoes at Chicago, Ill.

LABEL, IN PART: "Miss America Brand Vacuum Packed Cut Sweet Potatoes Contents 1 Lb. 2 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than the declared weight.)

DISPOSITION: September 18, 1947. The Mayhaw Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

MISCELLANEOUS VEGETABLE PRODUCTS*

12569. Adulteration of Corn Chips (corn product). U. S. v. 242 Packages * * *. (F. D. C. No. 22230. Sample No. 65662–H.)

LIBEL FILED: On or about February 3, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about December 12 and 19, 1946, by Jeffrey Food Products Corp., from Philadelphia, Pa.

PRODUCT: 242 6-ounce packages of Corn Chips at Camden, N. J.

LABEL, IN PART: "Jeffies crisp crunchy corn chips."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 11, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12570. Adulteration of potato salad, lemon pie, and apple pie. U. S. v. Lynn R. Wilson (Wilson Products Co.). Plea of guilty. Fine, $100. (F. D. C. No. 23587. Sample Nos. 75550–H, 75552–H, 85903–H, 85907–H, 85908–H.)

INFORMATION FILED: October 14, 1947, District of Utah, against Lynn R. Wilson, trading as the Wilson Products Co., Salt Lake City, Utah.

ALLEGED SHIPMENT: On or about April 28 and May 28, 1947, from the State of Utah into the States of Idaho and Nevada.

LABEL, IN PART: "Wilson's * * * Potato Salad [or "Lemon Pie," or "Apple Pie"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of rodent hairs, insect parts, insect setae, whole insects, and worm parts; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: October 17, 1947. A plea of guilty having been entered, the court imposed a fine of $20 on each of the 5 counts of the information.

12571. Adulteration of India relish. U. S. v. 24 Cases * * *. (F. D. C. No. 22223. Sample No. 65656–H.)

LIBEL FILED: On or about January 31, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about December 19, 1946, by Mrs. Schlorer's, Inc., from Philadelphia, Pa.

PRODUCT: 24 cases, each containing 24 half-pint jars, of India relish at Wildwood, N. J.

LABEL, IN PART: "Mrs. Schlorer's India Relish."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of vinegar flies and fly eggs, and maggots and fragments.

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*See also Nos. 12423, 12599.

DISPOSITION: March 10, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12572. Adulteration of sweet Indian relish. U. S. v. 40 Cases * * *. (F. D. C. No. 21957. Sample Nos. 54249–H, 54250–H.)

LIBEL FILED: December 10, 1946, Southern District of Florida.

ALLEGED SHIPMENT: On or about September 18, 1946, by National Manufacturing & Packing, from Salisbury, N. C.

PRODUCT: 8 cases, each containing 24 1-pint jars, and 32 cases, each containing 12 1-quart jars, of sweet Indian relish at Miami, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: March 13, 1947. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS*

12573. Adulteration and misbranding of canned tomatoes. U. S. v. 997 Cases * * * (and five other seizure actions). (F. D. C. Nos. 21137, 21652, 21671, 21672, 22209, 22272. Sample Nos. 24997–H, 40504–H, 41302–H, 49195–H, 50244–H, 51772–H.)

LIBELS FILED: Between October 11, 1946, and February 7, 1947, Northern and Southern Districts of Texas, Eastern District of Missouri, District of Minnesota, and Northern District of Alabama.

ALLEGED SHIPMENT: Between the approximate dates of August 3 and October 1, 1946, by the Smith Canning Co., from Siloam Springs and Fayetteville, Ark.

PRODUCT: Canned tomatoes. 997 cases at Corsicana, Tex., 1,482 cases at St. Louis, Mo., 328 cases at Minneapolis, Minn., 1,538 cases at Galveston, Tex., 1,800 cases at Birmingham, Ala., and 250 cases at Hannibal, Mo. Each case contained 24 1-pound, 3-ounce cans.

The Galveston and Minneapolis lots were shipped unlabeled, and no written agreement existed between the shipper and the consignee as to the labeling.

LABEL, IN PART: "Big Smith Brand Hand Packed Tomatoes Contents 1 Lb. 3 Oz.," or "Smith's Beauty Hand Packed Tomatoes Contents 1 Lb. 3 Oz."

NATURE OF CHARGE: Corsicana lot. Adulteration, Section 402 (b) (2), water had been substituted in part for canned tomatoes. Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes, since it contained added water, a substance not permitted in the standard.

Minneapolis lot. Adulteration, Section 402 (b) (2), a product containing added water had been substituted in whole or in part for canned tomatoes. Misbranding, Section 403 (e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (g) (1), it failed to conform to the definition and standard of identity, since it contained added water; and, Section 403 (h) (1), it fell below the standard of quality for canned tomatoes because of low drained weight, because of failure to meet the test for strength and redness of color, and because of the presence of excessive tomato peel. (This lot was unlabeled when shipped.)

Galveston lot. Misbranding, Section 403 (e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (g) (2), it failed to bear the name of the food specified in the definition and standard of identity; and, Section 403 (h) (1), it fell below the standard of quality with respect to color, and because of the presence of excessive tomato peel and excessive blemishes.

St. Louis lot. Misbranding, Section 403 (e) (2), the label failed to bear an accurate statement of the quantity of the contents (The product was short-weight); Section 403 (h) (1), the product was substandard in quality because of low drained weight; and, Section 403 (h) (2), it fell below the standard of fill of container, since the cans were filled to less than 90 percent of the total capacity of the container.

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*See also Nos. 12407–12409, 12518, 12566.

Birmingham lot. Adulteration, Section 402 (b) (2), a product containing added water had been substituted in whole or in part for canned tomatoes. Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity, since it contained added water; and, Section 403 (h) (1), it was substandard in quality because of low drained weight.

Hannibal lot. Misbranding, Section 403 (h) (1), the product was substandard in quality because of low drained weight.

DISPOSITION: December 2 and 12, 1946, and April 14 and 28 and May 15 and 26, 1947. The Smith Canning Co., Fayetteville, Ark., the Jordan Stevens Co., Minneapolis, Minn., the C. and C. Co., Galveston, Tex., the Retailers Supply Co., St. Louis, Mo., and the Wetterau Grocer Co., Inc., Hannibal, Mo., claimants for the respective lots of the article, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be relabeled, under the supervision of the Food and Drug Administration.

12574. Adulteration and misbranding of canned tomatoes. U. S. v. 348 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 23947 to 23949, incl. Sample Nos. 22411–K to 22413–K, incl.)

LIBELS FILED: November 6, 1947, Middle District of Alabama.

ALLEGED SHIPMENT: On or about August 27 and 30 and September 12, 1947, by the Watkins Produce Co., Thomasville, Ga.

PRODUCT: 348 cases at Montgomery, Ala., and 999 cases at Dothan, Ala., each case containing 44 cans of tomatoes.

LABEL, IN PART: "Rich-West Brand Tomatoes * * * Packed by Belmont Canning Company, Threeway, Va."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes, since it had not been processed by heat to prevent spoilage.

DISPOSITION: December 5, 1947. Default decrees of condemnation and destruction.

12575. Adulteration and misbranding of canned tomatoes. U. S. v. 24 Cases * * * (F. D. C. No. 23971. Sample No. 26607–K.)

LIBEL FILED: November 13, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about May 5, 1947, by the McKnight-Keaton Grocery Co., from Cairo, Ill.

PRODUCT: 24 cases, each containing 6 cans, of tomatoes at St. Louis, Mo.

LABEL, IN PART: "Made to Eat Hand Packed Tomatoes Contents 6 Lbs. 7 Oz. [or "Twin Brand Tomatoes Contents 6 Lbs. 6 Oz."] Packed by Nagle Packing Co., Inc. Paducah, Ky."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes, since it had not been so processed by heat as to prevent spoilage.

DISPOSITION: December 10, 1947. Default decree of condemnation and destruction.

12576. Adulteration of canned tomatoes. U. S. v. 100 Cases * * *. (F. D. C. No. 21359. Sample No. 67660–H.)

LIBEL FILED: October 23, 1946, Western District of Missouri.

ALLEGED SHIPMENT: On or about August 13, 1946, by the Kuhn Cannning Company, from Bonner Springs, Kans.

PRODUCT: 100 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at St. Joseph, Mo.,

LABEL, IN PART: "Red Raven Hand Packed Tomatoes * * * Distributed By Canners Exchange, Inc. Springfield, Mo."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 27, 1946. The Kuhn Canning Company having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was sorted, and the abnormal cans, 28 cases, were destroyed.

12577. Misbranding of canned tomatoes. U. S. v. 1,457 Cases * * *. (F. D. C. No. 23686. Sample No. 49568–H.)

LIBEL FILED: September 8, 1947, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about July 2, 1947, by the Peace River Canning Co., from Edinburg, Tex.

PRODUCT: 1,457 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Brookhaven, Miss.

LABEL, IN PART: "Peace River Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard in quality because it failed to meet the requirements for color and because the peel, per pound of canned tomatoes in the container, covered an area of more than 1 square inch.

DISPOSITION: November 4, 1947. The Southern Wholesale Company, Brookhaven, Miss., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

12578. Misbranding of canned tomatoes. U. S. v. 300 Cases * * *. (F. D. C. No. 24180. Sample No. 30242–K.)

LIBEL FILED: December 11, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about November 14, 1947, by the Valley View Canning Co., from Santa Maria, Calif.

PRODUCT: 300 cases, each containing 24 1-pound, 12-ounce cans, of tomatoes at New York, N. Y.

LABEL, IN PART: "Mariposa Brand California Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product failed to conform to the standard of quality for canned tomatoes, since the drained weight was less than 50 percent of the weight of water required to fill the container, and the label failed to bear a statement that the product was below standard.

DISPOSITION: January 29, 1948. The Valley View Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

12579. Misbranding of canned tomatoes. U. S. v. 296 Cases * * *. (F. D. C. No. 23932. Sample Nos. 26085–K, 26089–K.)

LIBEL FILED: November 18, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 4, 1947, by the Robinson Canning Co., from Siloam Springs, Ark.

PRODUCT: 296 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at St. Louis, Mo.

LABEL, IN PART: "King of Ozarks Brand Standard Grade Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below the standard of quality for canned tomatoes, in that the drained weight of the contents of the container was less than 50 percent of the weight of water required to fill the container, and the product was not labeled as substandard.

DISPOSITION: January 26, 1948. The Allen Canning Co., Siloam Springs, Ark., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be rebranded under the supervision of the Federal Security Agency.

12580. Adulteration of tomato catsup. U. S. v. 197 Cases * * *. (F. D. C. No. 17175. Sample No. 29140–H.)

LIBEL FILED: August 23, 1945, District of Hawaii.

ALLEGED SHIPMENT: On or about July 27, 1945, by American Factors, Ltd., from San Francisco, Calif.

PRODUCT: 197 cases, each containing 6 cans, of tomato catsup at Honolulu, T. H.

LABEL, IN PART: "R–Best Brand Tomato Catsup Stockton Food Products Inc. Stockton, California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole are in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: November 5, 1945. American Factors, Ltd., having admitted the adulteration of the product and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered forfeited. Thereafter, the product was destroyed by the United States marshal.

12581. Misbranding of tomato puree. U. S. v. 99 Cases * * *. (F. D. C. No. 24210. Sample No. 33223–K.)

LIBEL FILED: December 26, 1947, District of Massachusetts.

ALLEGED SHIPMENT: On or about November 20, 1947, by Flotill Products, Inc., from Stockton, Calif.

PRODUCT: 99 cases, each containing 24 cans, of tomato puree at Boston, Mass.

LABEL, IN PART: "Flotta Tomato Puree * * * Contents 1 Lb. 12 Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than the declared amount.)

DISPOSITION: February 3, 1948. Flotill Products, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be relabeled under the supervision of the Federal Security Agency.

NUTS AND NUT PRODUCTS*

12582. Adulteration of brazil nuts. U. S. v. 27 Bags * * * (and 1 other seizure action). (F. D. C. Nos. 21880, 24123. Sample Nos. 53637–H, 12227–K.)

LIBELS FILED: December 23, 1946, and November 24, 1947, Southern District of Ohio and Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 25, 1946, and October 17, 1947, by the Red Line Commercial Co., Inc., from New York, N. Y.

PRODUCT: Brazil nuts. 27 100-pound bags at Dayton, Ohio, and 81 100-pound bags at Philadelphia, Pa.

LABEL, IN PART: "Amazon Brand," or "Pan American Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the Dayton lot consisted in whole or in part of a decomposed substance by reason of the presence of moldy, rancid, and decomposed nuts, and was otherwise unfit for food by reason of the presence of empty shells. The Philadelphia lot consisted in whole or in part of a filthy substance by reason of the presence of wormy nuts, and of a decomposed substance by reason of the presence of moldy nuts.

DISPOSITION: February 7 and December 11, 1947. The Biddle Purchasing Co., claimant for the Dayton lot, and the Red Line Commercial Co., Inc.. claimant for the Philadelphia lot, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, to be brought into compliance with the law, under the supervision of the Federal Security Agency.

12583. Adulteration of brazil nuts. U. S. v. 50 Bags * * *. (F. D. C. No. 23859. Sample No. 411–K.)

LIBEL FILED: October 17, 1947, Western District of North Carolina.

ALLEGED SHIPMENT: On or about September 22, 1947, by the Southgate Brokerage Co., from Norfolk, Va.

PRODUCT: 50 100-pound bags of brazil nuts at Charlotte, N. C.

LABEL, IN PART: "Southgate's Natural Large Medium Brazil Nuts."

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*See also No. 12419.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy, rancid, and decomposed nuts, and was otherwise unfit for food by reason of the presence of empty shells.

DISPOSITION: November 12, 1947. The Southgate Brokerage Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for the segregation and the destruction of all unfit material, under the supervision of the Food and Drug Administration.

12584. Adulteration of brazil nuts. U. S. v. 46 Bags * * *. (F. D. C. No. 23886. Sample No. 416–K.)

LIBEL FILED: October 30, 1947, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about September 27, 1947, by the Southgate Brokerage Co., from Norfolk, Va.

PRODUCT: 46 100-pound bags of brazil nuts at Greensboro, N. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested, moldy, and rancid nuts.

DISPOSITION: December 3, 1947. The Southgate Brokerage Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be brought into compliance with the law, by the segregation of the good from the bad, under the supervision of the Food and Drug Administration.

12585. Adulteration of shelled filberts. U. S. v. 56 Cartons * * *. (F. D. C. No. 23782. Sample No. 15101–K.)

LIBEL FILED: September 30, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 11, 1947, by the Kelling Nut Co., from Passaic, N. J.

PRODUCT: 56 cartons, each containing 35 pounds, of shelled filberts at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of being insect-infested, and of a decomposed substance by reason of being moldy.

DISPOSITION: October 10, 1947. The Kelling Nut Company, Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and denaturing, or destruction, of the unfit portion, under the supervision of the Federal Security Agency.

12586. Adulteration of black walnut kernels. U. S. v. 3 Cases * * *. (F. D. C. No. 18866. Sample No. 52621–H.)

LIBEL FILED: January 24, 1946, Southern District of Indiana.

ALLEGED SHIPMENT: On or about December 14, 1945, by Block Brothers, from Nashville, Tenn.

PRODUCT: 3 cases, each containing 55 pounds, of black walnut kernels at Indianapolis, Ind.

LABEL, IN PART: "Tennessee Belle Brand Black Walnut Kernels."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, and *E. coli*, an organism which indicates pollution of fecal origin.

DISPOSITION: March 27, 1946. Block Brothers, claimant, having admitted the allegations of the libel, and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be washed and pasteurized to remove all filth and pollution, under the supervision of the Federal Security Agency.

12587. Adulteration of mixed nuts. U. S. v. 309 Cases * * *. (F. D. C. No. 24164. Sample No. 3506–K.)

LIBEL FILED: December 2, 1947, District of Maryland.

ALLEGED SHIPMENT: On or about November 12 and 18, 1947, by the American Stores Company, from Philadelphia, Pa.

PRODUCT: 309 cases, each containing 30 1-pound packages, of nuts at Baltimore, Md.

LABEL, IN PART: "Robford Brand Fancy Mixed Nuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and decomposed nuts, and was otherwise unfit for food by reason of the presence of empty shells.

DISPOSITION: December 5, 1947. American Stores Company, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

12588. Adulteration of coconut. U. S. v. 17 Cartons, etc. (F. D. C. No. 23694. Sample No. 573-H.)

LIBEL FILED: September 15, 1947, Southern District of Florida.

ALLEGED SHIPMENT: On or about August 14, 1947, by the Kash & Karry Grocery Co., from Greenville, S. C. This was a return shipment.

PRODUCT: Coconut. 17 cartons, each containing 20 pounds, and 8 unlabeled cartons, each containing about 20 pounds, at Miami, Fla.

LABEL, IN PART: (Portion of article) "Cuban Coconut Co. S. A. * * * Havana-Cuba Ship to Export Sales Corp. * * * Miami, Fla."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles, and of a decomposed substance by reason of being rancid; and, Section 402 (b) (2), a mixture of granulated sugar (approximately 70 percent), dried grated coconut, and salt, had been substituted in whole or in part for sweetened coconut, which the article was represented to be.

DISPOSITION: October 24, 1947. Default decree of forfeiture and destruction.

12589. Adulteration and misbranding of shredded coconut. U. S. v. 5 Cases * * *. (F. D. C. No. 23682. Sample No. 54873-H.)

LIBEL FILED: September 9, 1947, Southern District of Florida.

ALLEGED SHIPMENT: On or about August 16, 1947, by Manhattan Bakery, from Atlanta, Ga. The product was shipped originally by the Export Sales Corporation, from Miami, Fla., to Atlanta, Ga., was invoiced as "Imported Sweetened Coconut," and was returned by the consignee.

PRODUCT: 5 cases, each containing 20 pounds, of shredded coconut at Miami, Fla.

LABEL, IN PART: "Cuban Coconut Co. * * * Ship to Export Sales Corp. * * * Miami, Florida."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of beetles and rancid coconut; and, Section 402 (b) (2), a mixture of granulated sugar (approximately 70 percent), dry grated coconut, and salt, had been substituted in whole or in part for sweetened coconut.

Misbranding, Section 403 (b), the product was offered for sale under the name of another food, sweetened coconut.

DISPOSITION: December 4, 1947. Default decree of forfeiture and destruction.

12590. Adulteration and misbranding of shredded coconut. U. S. v. 15 Cartons * * *. (F. D. C. No. 23656. Sample No. 566-H.)

LIBEL FILED: August 26, 1947, Southern District of Florida.

ALLEGED SHIPMENT: On or about July 24, 1947, by Horn & Trulock, from Augusta, Ga. This was a return shipment.

PRODUCT: 15 cartons, each containing 20 pounds, of coconut at Miami, Fla.

LABEL, IN PART: "Cuban Coconut Company S. A. * * * Havana-Cuba Ship to Export Sales Corp. * * * Miami, Florida."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles, and of a decomposed substance by reason of being rancid; and, Section 402

(b) (2), a mixture of granulated sugar (approximately 70 percent), dried grated coconut, and salt, had been substituted in whole or in part for coconut.

Misbranding, Section 403 (b), a mixture of granulated sugar (approximately 70 percent), dried grated coconut, and salt, was offered for sale under the name of another food, coconut.

DISPOSITION: October 24, 1947. Default decree of forfeiture and destruction.

12591. Adulteration of peanut butter. U. S. v. 18 Cases * * *. (F. D. C. No. 21675. Sample No. 54261–H.)

LIBEL FILED: October 22, 1946, Southern District of Florida.

ALLEGED SHIPMENT: On or about September 19, 1946, by Charles R. Allen, Inc., from Thomasville, Ga.

PRODUCT: 18 cases, each containing 12 2-pound jars, of peanut butter at Miami, Fla.

LABEL, IN PART: "Little Wick Peanut Butter Radiant Ray Roasted * * * Manufactured by Rose City Foods, Thomasville, Ga."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of its being rancid, and was otherwise unfit for food by reason of its having a disagreeable odor and taste, rendering it unpalatable.

DISPOSITION: March 13, 1947. Default decree of forfeiture and destruction.

12592. Misbranding of peanut butter. U. S. v. 100 Cases * * *. (F. D. C. No. 22796. Sample Nos. 40057–H, 40058–H.)

LIBEL FILED: April 1, 1947, District of Kansas.

ALLEGED SHIPMENT: On or about December 10, 1946, by the Gibson Food Company, from Springfield, Mo.

PRODUCT: 50 cases, each containing 24 jars, and 50 cases, each containing 12 jars, of peanut butter at Pittsburg, Kans.

LABEL, IN PART: "Gibson's Peanut Butter Net Wt. 16 Oz. [or "32 Oz."]."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents, since the jars contained less than the amount declared.

DISPOSITION: May 5, 1947. The Gibson Food Company, Springfield, Mo., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into full compliance with the law, under the supervision of the Federal Security Agency.

OILS AND FATS

12593. Misbranding of oil. U. S. v. Anthony Milano (Mayfield Importing Company). Plea of nolo contendere. Fine, $200 and costs. (F. D. C. No. 23333. Sample No. 54692–H.)

LIBEL FILED: August 14, 1947, Northern District of Ohio, against Anthony Milano, trading as the Mayfield Importing Co., Cleveland, Ohio.

ALLEGED SHIPMENT: On or about October 24, 1946, from the State of Ohio into the State of Florida.

PRODUCT: The product appeared to be a mixture of cottonseed oil and other oil, probably soybean oil, with some olive oil present. The cans were unlabeled, except for the statement "1 Gal." embossed on them.

NATURE OF CHARGE: Misbranding, Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (i) (2), it was fabricated from 2 or more ingredients, and it failed to bear a label showing the common or usual name of each such ingredient.

DISPOSITION: January 16, 1948. A plea of nolo contendere having been entered, the defendant was fined $200 and costs.

12594. Adulteration of low calory dressing oil. U. S. v. 13 Cases * * *. (F. D. C. No. 22629. Sample No. 73504–H.)

LIBEL FILED: March 13, 1947, Northern District of Ohio.

ALLEGED SHIPMENT: On or about June 14, 1946, by Old World Foods, Inc., from Beverly Hills, Calif.

PRODUCT: 13 cases, each containing 24 1-pint bottles, of low calory dressing oil at Cleveland, Ohio.

LABEL, IN PART: "A Special Diet-Aid 1 Pint Barra's Low-Calory Dressing Oil Contents 15% Vegetable Oil, 85% Non-nutritive Mineral Oil."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained added mineral oil, a deleterious substance, which may have rendered the article injurious to health.

DISPOSITION: May 16, 1947. Default decree of condemnation and destruction.

12595. Misbranding of peanut oil. U. S. v. 59 Cases * * *. (F. D. C. No. 22813. Sample No. 46199–H.)

LIBEL FILED: April 3, 1947, Territory of Hawaii.

ALLEGED SHIPMENT: On or about February 18, 1947, by the Morse Export Import Co., San Francisco, Calif.

PRODUCT: 59 cases, each containing 5 1-gallon cans, of peanut oil at Honolulu, T. H. Examination showed that the product was short-volume.

LABEL, IN PART: "Net Contents 1 Gal. Panther Brand Peanut Oil Packed and Distributed by Marsili and Co., Inc., San Francisco, California."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: September 4, 1947. Default decree of condemnation. The product was ordered delivered to charitable institutions.

12596. Adulteration and misbranding of salad oil. U. S. v. 14 Cases * * *. (F. D. C. No. 23720. Sample No. 89961–H.)

LIBEL FILED: September 24, 1947, District of New Hampshire.

ALLEGED SHIPMENT: On or about October 24, 1946, by the Genoa Packing Co., from Boston, Mass.

PRODUCT: 14 cases, each containing 12 1-quart bottles, of salad oil at Manchester, N. H.

LABEL, IN PART: "Angelina Brand Fine Oil Contents High Grade Domestic Vegetable Salad Oil with Pure Olive Oil * * * Packed By Angelina Packing Company Boston, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), artificial flavoring and artificial coloring had been added to soybean oil so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the label statement "Contents High Grade Domestic Vegetable Salad Oil with Pure Olive Oil" was false and misleading, since the product contained little, if any, olive oil. Section 403 (f), the label contained representations in a foreign language; and the name and place of business of the manufacturer, packer, or distributor, an accurate statement of the quantity of the contents, and the fact that the article contained artificial flavoring and artificial coloring, did not appear on the label in the foreign language. Section 403 (i) (2), the article was fabricated from 2 or more ingredients, and its label failed to bear the common or usual name of each such ingredient, since "Vegetable Salad Oil" is not the common or usual name of soybean oil.

DISPOSITION: December 15, 1947. Default decree of condemnation. The product was ordered delivered to a public institution.

12597. Adulteration and misbranding of Saladola. U. S. v. 60 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 20996, 21205, 21226, 21227. Sample Nos. 56840–H, 57124–H to 57127–H, incl., 57422–H to 57424–H, incl., 57461–H.)

LIBELS FILED: September 16 and October 3 and 7, 1946, Districts of Vermont, Rhode Island, and Maine.

ALLEGED SHIPMENT: Between the approximate dates of July 3 and 29, 1946, by the Fred Lawrence Co. (F. Laurence or Frederick Lawrence), from Boston, Mass.

PRODUCT: Saladola. 50 cases, each containing 12 1-quart bottles, and 10 cases, each containing 24 1-pint bottles, at Burlington, Vt.; 4 cases, each containing 24 1-pint bottles, 3 cases, each containing 12 1-quart bottles, and 6 cases, each containing 4 1-gallon bottles, at Providence, R. I.; 21 cases, each containing 24 1-pint bottles, and 24 cases, each containing 12 1-quart bottles, at Rockland, Maine, and 2 cases, each containing 12 1-quart bottles, and 3 cases, each containing 24 1-pint bottles, at Portland, Maine.

LABEL, IN PART: "Saladola Brand Pure Mineral Oil * * * Mercantile Food Products Co. Boston, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), artificial color had been added to mineral oil so as to make it appear to be salad oil, which is better and of greater value than the article.

Misbranding, Section 403 (a), the label designation "Saladola" was false and misleading, since it represented and suggested that the article was salad oil, whereas the article was not salad oil; and the label statement "French Dressing," was false and misleading, since it represented and suggested and created the impression that french dressing could be made with the article, whereas french dressing could not be made with the article. Further misbranding, Section 403 (a), the labeling was misleading, since the statement "For the preparation of non-fattening, non-nutritive, and low calorie dressings for salads," coupled with the directions for use borne on the label, represented to purchasers that the article was wholesome and suitable for use as a substitute for food oils in preparing salads. The article was colored mineral oil, and its labeling failed to reveal the material fact that the substitution of mineral oil for food oils in preparing salads may be harmful and may have a deleterious effect.

DISPOSITION: October 29 and November 20, 1946, and January 6 and August 5, 1947. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

12598. Adulteration of mayonnaise and sandwich spread. U. S. v. 188 Cases, etc. (F. D. C. No. 23340. Sample Nos. 75734–H to 75736–H, incl.)

LIBEL FILED: July 8, 1947, Northern District of California.

ALLEGED SHIPMENT: On or about April 15, 1947, by the Central Pacific Co., from Honolulu, Hawaii. This was a return shipment.

PRODUCT: 47 cases, containing a total of approximately 1,638 half-pint jars, 123 cases, each containing 12 1-pint jars, and 18 cases, each containing 20 1-pint jars, of mayonnaise; and 7 cases, each containing 48 half-pint jars, of sandwich spread, at San Francisco, Calif. Examination showed that the products were rancid.

LABEL, IN PART: "Tastee Mayonnaise," or "Tastee Sandwich Spread."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances.

DISPOSITION: September 9, 1947. Default decree of condemnation and destruction.

12599. Adulteration of salad dressing, sweet pickles, apple butter, sweet relish, and cider vinegar. U. S. v. 1 Case, etc. (and 1 other seizure action). (F. D. C. Nos. 21400, 21402. Sample Nos. 67061–H, 67063–H, 67361–H to 67363–H, incl.)

LIBELS FILED: November 6, and on or about November 12, 1946, District of Nebraska and Western District of Missouri.

ALLEGED SHIPMENT: On or about September 20 and 21, 1946, by the Western Food Products Company, from Hutchinson, Kans.

PRODUCT: 1 case, containing 18 1-pint jars, of salad dressing and 13 cases, each containing 24 1-pint jars, of sweet pickles at Kansas City, Mo.; and 32 cases, each containing 12 2-pound jars, of apple butter, 19 cases, each containing 24 1-pint jars, of sweet relish, 72 cases, each containing 24 1-pint bottles, and 56 cases, each containing 12 1-quart bottles, of cider vinegar, at McCook, Nebr.

LABEL, IN PART: "Maple Leaf Salad Dressing [or "Sweet Pickles"]," or "Western Maid Pure Apple Butter [or "Sweet Relish," or "Cider Vinegar"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the articles had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: December 6, 1946, and January 9, 1947. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

12600. Adulteration of salad dressing. U. S. v. 175 Jars * * *. (F. D. C. No. 22633. Sample No. 40994–H.)

LIBEL FILED: March 12, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 23, 1946, by Victor M. Stevens, from Braintree, Mass.

PRODUCT: 175 8-ounce jars of salad dressing at Clayton, Mo.

LABEL, IN PART: "House of Stevens Slim-May Salad Dressing."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained added mineral oil, a deleterious substance, which may have rendered the article injurious to health.

DISPOSITION: April 10, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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[2] (12548) Criminal contempt proceedings for violation of terms of decree.
[3] (12561) Seizure contested. Contains opinion of the court.

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French-Bauer, Inc.:
butter 12472
Fuller Canneries:
tomato juice 12409
G & B Candy Co.:
Bottle O'Pop Wax Chews 12457
Geis, C. G.:
Meat Meal 12507
Geis Mills:
Meat Meal 12507
General Ice Cream Corp.:
butter 12482
Genoa Packing Co.:
salad oil 12596
Gibson Food Co.:
peanut butter 12592
Grant-O Marmalades & Jellies:
guava jelly 12558
Granville Blueberry Growers:
blueberries 12541
Griffin Canning Co.:
canned peas 12563
Griffith Laboratories:
yellow rye dust 12451
Griggs, Cooper & Co.:
ginger snaps, chocolates, raspberry gelatin, pancake flour, and peanut butter 12419
Growers & Packers Cooperative Canning Co., Inc.:
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H B Milk Co.:
Cheddar cheese 12493

N. J. No.

Hackney, H. T., Co.:
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Handlovsky, L. A.:
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Hankinson Cooperative Creamery:
butter 12485
Harman Products Co.:
sirup 12470
Haxton, George W., & Son:
frozen cherry juice 12401
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Henricks Pretzel Co.:
pretzels 12422
Herrman-McLean Co.:
corn meal 12431
Horn & Trulock:
shredded coconut 12590
Hosier & Co., Ltd.:
frozen strawberries 12546
Hubbell's, Mrs., Bakeries, Inc.:
cookies 12418
Huber Baking Co.:
bread, rolls, and doughnuts 12414
Hugo Milling Co. *See* Shawnee Milling Co.
Hygrade Bakery Co.:
pretzels 12421
Isenbruck, R. C., & Co.:
canned apricots 12521, 12522
Jaeger, J. F.:
egg noodles and popcorn 12437
Jaeger Noodle & Potato Chip Co.:
egg noodles and popcorn 12437
Jeffrey Food Products Corp.:
Corn Chips (corn product) 12569
Johnsrud, S. C.:
Cheddar cheese 12490
Judy, Eston:
cream 12500
Karl Baking Co.:
fruit cake 12415
Kash & Karry Grocery Co.:
coconut 12588
Kay Candy Manufacturers. *See* Kon, George.
Keller Food Products Co.:
jelly 12556
Kelling Nut Co.:
shelled filberts 12585
Kent Packing Co.:
canned salmon 12513
Kent Products, Inc.:
oleomargarine 12502
Kerr, David, Inc.:
macaroni 12436
Kirkwood, W. H., & Son:
macaroni 12436
Klempf, Jacob:
frozen whole eggs 12503
Kon, George:
chocolate candy 12459

[3] (12561) Seizure contested. Contains opinion of the court.

N. J. No.

Kroger Grocery & Baking Co.:
butter 12476
Kuhn Canning Co.:
canned tomatoes 12576
Kyle Creamery Assoc.:
butter 12478
Lambert, Parley:
curd and cheese 12497
Lanesville Milling Co.:
corn meal 12433
Langenfeld Bros. Produce Co.:
butter 12473, 12474
Laurence, F. *See* Lawrence, Fred, Co.
Lawrence, Fred, Co.:
Saladola 12597
Lawrence, Frederick. *See* Lawrence, Fred, Co.
Levinson, Philip, and Ralph:
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Lewis, Edgar P., & Sons, Inc.:
candy 12465
Lion Specialty Co.:
candy 12460
Loda, T.:
dried mushrooms [3] 12561
McDonald, William P., Corp.:
canned orange juice 12405
McGurl, E.:
blueberries 12535
McKnight-Keaton Grocery Co.:
canned tomatoes 12575
McLean, E. E.:
meat scraps 12506
Main Fish Co.:
frozen yellow pike 12511
Manhattan Bakery:
shredded coconut 12589
Marr, H. A., Grocery Co.:
tomato juice 12518
Marsili & Co., Inc.:
peanut oil 12595
Mary Ann Preserving Co.:
peach fountain fruit 12553
Marz, J., Sr.:
blueberries 12542
Mayfair Candies, Inc.:
candy 12464
Mayfield Importing Co. *See* Milano, Anthony.
Mayhaw Canning Co.:
canned sweet potatoes 12568
Mays, L. C., Co.:
crab meat 12516
Mercantile Food Products Co.:
Saladola 12597
Merchants Creamery Co.:
butter 12476
Merit-Pak Co.:
chocolate-flavored sirup 12452
Merlino, F. S.:
blackberries 12531

N. J. No.

Mid State Creamery:
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Midfield Packers:
green beans, frozen 12559
strawberries, red raspberries, black raspberries, loganberries, and boysenberries, frozen 12545
Midwest Dairies Dispatch:
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Milano, Anthony:
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Milligan, G. D., Grocer Co.:
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Modern Food Products:
Saliniase Bagong fish 12514
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Moore, E. F.:
canned apricots and peaches and canned tomato juice 12518
Morse Export Import Co.:
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Mt. Airy Milling Co.:
matzoth meal 12427
Mt. Vernon Milling Co.:
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brewers flakes 12445
Moyer, A. B.:
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Myers Produce Creamery:
butter 12486
Nagle Packing Co., Inc.:
canned tomatoes 12575
National Cooperatives, Inc.:
tomato juice 12518
National Cranberry Assoc.:
apricot-cranberry mix 12551, 12552
raspberry-cranberry mix 12552
National Manufacturing & Packing:
sweet mixed pickles and dill tomatoes 12566
sweet Indian relish 12572
National Retailer-Owned Grocers, Inc.:
canned apricots 12521
Nelson-Ricks Creamery Co.:
dried whey 12498
Ninth Street Skookum Growers:
cherries 12543
North Sidney Agencies, Ltd.:
frozen halibut 12510
Old World Foods, Inc.:
low calory dressing oil 12594
Oregon Mushroom Co.:
spaghetti with mushrooms 12439
Original Trenton Cracker Co.:
cracker meal 12424, 12425
Park Grant Co.:
peanut butter 12419

[3] (12561) Seizure contested. Contains opinion of the court.

N. J. No.

Peace River Canning Co.:
canned tomatoes 12577
Peloian Packing Co.:
seedless raisins 12530
Peninsula Distributing Co.:
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Perfect Foods, Inc.:
pretzel sticks and potato chips 12423
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Piedmont Mills, Inc.:
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Pilley, Frank, & Sons, Inc.:
butter and process cheese 12471
Pisgah Maid Foods:
peach jam 12554
Producers Service Corp.:
black raspberry puree [2] 12548
Quality Grated Cheese Co.:
grated cheese 12496
Reagan, C. H.:
tomato juice and tomato puree 12407
Reagan Canning Co. *See* Reagan, C. H.
Red Line Commercial Co., Inc.:
brazil nuts 12582
Richland Cooperative Creamery Co.:
butter 12483
Richmond-Chase Co.:
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Rite Bite Food Products:
Peanut Butter Dots and Peanut Butter Cheese Sandwiches 12416
Riverbank Canning Co.:
canned apricots 12519
Robbins Bros. Milling Co.:
corn meal 12428
Roberts Brothers:
canned peaches 12524
Robinson Canning Co.:
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Rose City Foods:
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Rosenberg Bros. & Co.:
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Russell, C. M.:
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Russell Corp.:
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St. Louis Macaroni Mfg. Co., Inc.:
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San Juan Creamery Co.:
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N. J. No.

Sanitary Bakery Co. *See* Handlovsky, L. A.
Sanitary Food Mfg. Co.:
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Cheddar cheese 12490
Schlorer's, Mrs., Inc.:
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Schoenfeld & Sons:
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Schuckl & Co., Inc.:
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Schute's, Frank, Sons:
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Cosco Esterex 12412
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Sherman, Hyman:
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canned prune plums and prunes, and canned cherries 12526
Smith Canning Co.:
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Sorrentino, A.:
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Southgate Brokerage Co.:
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Standard Foods, Inc.:
doughnut mixture 12448, 12449
Stayton Canning Co. Cooperative:
canned prune plums and prunes, and canned cherries 12526
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ice cream 12499
Stevens, V. M.:
salad dressing 12600
Stockton Food Products, Inc.:
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Stokely-Van Camp, Inc.:
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Sunshine Mercantile Co.:
butter 12481
Sunshine Packing Corporation of Pennsylvania:
strawberry puree 12549
Superior Macaroni Co.:
Chili-Mac Dinner 12442
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[2] (12548) Criminal contempt proceedings for violation of terms of decree.

	N. J. No.
Sure Foods, Inc.:	
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Sweet Clover Creamery. *See* Lambert, Parley.	
Swint's Cannery:	
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Tabachnik, Max:	
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Taylor & Sledd, Inc.:	
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Telling-Belle Vernon Co.:	
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Tuebel, J. W.:	
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Trinidad Creamery Co.:	
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Trufruit Syrup Corp.:	
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Van de Kamp's Bakeries:	
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Waken McLughlin, Inc.:	
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Walker, C. M.:	
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Watkins Produce Co.:	
canned tomatoes	12574
Weiss Noodle Co.:	
soup mix	12443
Weissglass Gold Seal Dairy Corp.:	
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Western Food Products Co.:	
salad dressing, sweet pickles, apple butter, sweet relish, and cider vinegar	12599
Wholesale Novelty Products, Inc.:	
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Whorton Brothers:	
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[2] (12548) Criminal contempt proceedings for violation of terms of decree.

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